SUBCOMMITTEE PROCEEDINGS ON ORIGINAL JURISDICTION MEASURES

HEARINGS AND MARKUPS

BEFORE THE

SUBCOMMITTEE ON RULES OF THE HOUSE

OF THE

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

HOUSE RESOLUTION 209
OFFICE OF HOUSE HISTORIAN

OCTOBER 18, 1989

MARKUP OF HOUSE JOINT RESOLUTION 7

JUNE 27, 1990

H.R. 4765—PUERTO RICO SELF-DETERMINATION ACT

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HOUSE RESOLUTION 209, TO TRANSFER THE OFFICE OF THE HISTORIAN OF THE HOUSE OF REPRESENTATIVES TO THE CLERK; AND TO CONDUCT OVERSIGHT OF HOUSE RULE XXXVI, PRESERVATION AND AVAILABILITY OF NONCURRENT RECORDS OF THE HOUSE

WEDNESDAY, OCTOBER 18, 1989

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES OF THE HOUSE,
COMMITTEE ON RULES,
Washington, DC.

The subcommittee met, pursuant to call, at 10:05 a.m., in room H–313, the Capitol, Hon. John Joseph Moakley (chairman of the subcommittee) presiding.

Present: Representatives Moakley, Bonior, Slaughter, and Solomon.

Mr. MOAKLEY. The Subcommittee on Rules of the House will now come to order.

OPENING STATEMENT OF HON. JOHN JOSEPH MOAKLEY, CHAIRMAN OF THE SUBCOMMITTEE ON RULES OF THE HOUSE

Mr. MOAKLEY. This morning, the Subcommittee on Rules of the House will consider House Resolution 209, to amend Rules 1 and 3 of the House of Representatives, to transfer the Office of the Historian to the Clerk of the House.

As you know, on December 17, 1982, the House established a special, temporary Office for the Bicentennial of the House of Representatives to create and oversee the many activities planned to commemorate this very important anniversary of our legislative branch of Government.

Throughout this period, it became apparent that the bicentennial office was necessary, not only for its original purpose, but also to fill a void that has existed in the House of Representatives since its inception:

The need for an office whose primary purpose is to manage and preserve the papers of the House as well as to document the events and policies of the House in an historical perspective, with particular attention given to the role of the House of Representatives and its individual members in our Nation's growth and development. The Senate, since 1975, has had in place a permanent Historian as well as a full-time archivist for this purpose.

The Members of the 101st Congress recognized this need, and sought successfully in H. Res. 5 to amend the Rules of the House and make permanent the Office of the Bicentennial under a new Office of the Historian. We were very fortunate to be able to retain for this office the excellent staff of professional historians and others who so successfully coordinated the activities, special projects and exhibits of the Bicentennial celebration of the House.

While this office's primary responsibilities were to oversee the events of the House Bicentennial, it was appropriate for the office to remain under the auspices of the Speaker. However, the change and expansion in the role of the Historian's Office, under H. Res. 5, led the Speaker and other House leaders to seek a more appropriate, permanent placement for this very important office.

The Historian of the Senate is under the Secretary of the Senate, the counterpart to the Clerk, an arrangement which has proved to be very successful. Similarly, the Clerk of the House has continuing responsibility for House records and papers, and certainly appears to be the most suitable location for the Historian.

In addition, the Clerk is currently assuming a larger role, as mandated by the House last year, in the inventory of House art and antiquities, a project which is very likely to involve the expertise of the Historian.

I would also like to use this hearing as an opportunity to review another change implemented in January of this year under H. Res. 5, the rule which reduced public access to papers of the House from a minimum 50-year time period to a 30-year rule.

This change also implemented guidelines for determining which papers are to be considered restricted and classified materials and, therefore, are to remain under the 50-year limit. The implementation of this policy came about as a result of extensive hearings and research in this committee in the 100th Congress, and I am very interested in hearing how this process is progressing.

I look forward to hearing from the most distinguished group of witnesses here today.

Mrs. Boggs?

STATEMENT OF HON. LINDY BOGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mrs. BOGGS. Thank you, Mr. Chairman.

This is a day to which I have looked forward with great anticipation.

Mr. MOAKLEY. And I commend the Congresswoman from Louisiana for her work on this. I know how intense you have been over the years in making sure that this thing stays on track, and how you have spent a lot of your time making this day possible.

Mrs. BOGGS. Thank you so much, Mr. Chairman. I really appreciate the opportunity to appear before your committee, and thank you very much for the opportunity to discuss the future of the Office of the Historian of the House of Representatives and House Resolution 209, a bill to transfer administrative responsibility for the Office of the Historian to the Office of the Clerk of the House.

Like several of the members of this committee, I have an abiding interest in the preservation of the history of this institution and

the enhancement of understanding of the House. In 1982, I was part of a bipartisan group assembled by then-Chairman Dick Bolling to work on the establishment of an Historian's Office.

Because of political considerations at the time, the House ultimately agreed to a proposal by our colleague, Newt Gingrich, an historian by training, to establish an office to oversee preparations for the 200th anniversary of the House of Representatives.

I served on a task force, chaired by your former Chairman, the late Claude Pepper, which selected the current Historian, Dr. Raymond Smock and, for the past several years, I have worked very closely with Dr. Smock and his staff—as Chairman of the Commission on the Bicentenary of the U.S. House of Representatives. Two of the professional members of that staff are with us today: Cynthia Miller, Assistant Historian and Bruce Ragsdale, Associate Historian.

Every Member of the House should be justifiably proud of the fine, highly professional work produced by the Office of the Bicentennial over the past 6 years. The publications, resource materials, ceremonies and events under the direction of the Office have contributed to the memorable bicentenary year that is now concluding.

Publications such as "The Biographical Directory of the United States Congress," "A Guide to Research Collection of Former Members," and the "Guide to the Records of the United States House of Representatives at the National Archives" have been well received. We have four additional publications, Mr. Chairman, forthcoming later this year.

The Office has also sponsored or facilitated, as you mentioned, several fine exhibits and conferences, including the "First Congress" exhibit at the National Portrait Gallery, "To Make All Laws," "The Tides of Party Politics," and "Understanding Congress" exhibits and a research conference at the Library of Congress, as well as the Ken Burns film, "The Congress," which was shown on PBS earlier this year, and which had a gala premiere for the Members of Congress in March.

Dr. Smock and his staff have also helped organize several ceremonial events, including the 1987 Philadelphia ceremony to commemorate the "Great Compromise" at the Constitutional Convention, the First Day of Issue ceremony for the House Bicentennial postage stamp, and the First Strike ceremony for the Congressional Bicentennial coins.

The high point of the year was the Joint Meeting of the House and Senate on March 2 to commemorate 200 years of our representative form of government. It was a very memorable ceremony, one which Chief Justice Warren Burger, Chairman of the Commission on the Bicentennial of the United States Constitution, called "the most moving event" of its type during the bicentennial.

I am proud to have had the opportunity to be associated with this effort. It would be tragic if progress in efforts to foster greater understanding of the House of Representatives were to slow or falter.

Last year, after discussions with several members of the Bicentenary Commission, which as you know are made up of equal numbers of Republicans and Democrats and of the Majority and Minori-

ty Leaders and two former Members of Congress, I approached Members of the House leadership and raised the issue of making the Office permanent, since it was scheduled to expire at the end of September of this year.

It was suggested that this be brought before the Caucus Committee on Organization, Study and Review, which was charged with evaluating modifications in the House Rules to be submitted at the beginning of the 101st Congress. After discussions with Martin Frost, who chaired that, and other members of the committee, a provision establishing a permanent Historian was included in the Rules adopted by the House in January.

In conjunction with the adoption of this provision and on other occasions, the question of changes in administrative oversight of the Historian's Office was raised by Bob Michel, the Minority Leader, Bill Frenzel and others. They suggested making the Historian's Office, which is currently part of the Speaker's Office, a part of the Clerk's Office. I expressed a willingness to work with them to make whatever organizational changes might be appropriate.

I have discussed this proposed change with Dr. Smock, the Clerk, and others. There are benefits that accrue to the Historian's Office as a result of such a change. For example, the Clerk is the custodian, as you have said, Mr. Chairman, of the records of the House. These papers are an essential element of history.

Further, the Clerk has curatorial authority under Public Law 100–696 for works of art, documents and other historical objects under the jurisdiction of the recent-established Fine Arts Board. In addition, the incumbent Clerk is quite a student of the House.

I am not proposing that the Historian's Office mirror the Historian's Office established by the Senate a decade ago. However, I would note that Dr. Richard Baker and the staff of the Senate Historian's Office have been highly acclaimed for their work and that the Office has grown and prospered under the supervision of the Secretary of the Senate.

In sum, Mr. Chairman, if there is to be a change in the organization placement of the Historian's Office, as has been suggested by several Members, then it would seem the appropriate place for it to be as part of the Clerk's Office.

I know that Dr. Smock and Dr. Baker are planning several important new projects. One, "The Encyclopedia of Congress," is well on its way to becoming a reality as a result of the cooperative efforts of the Commission on the Bicentennial of the U.S. Constitution, the Library of Congress and the Lyndon B. Johnson Library. Another project still in the development stage is an historical series on the institutional development of the House and Senate.

These projects, and others to come, merit our support and encouragement. They illustrate why it is essential for the House to continue to have the services of an historical office. The history of the House is important, of course, to the Nation and to the House itself. Regular, systematic, ongoing research is essential to achieving a better understanding of this institution.

The public at large and the Members themselves will profit from this understanding and knowledge.

Mr. Chairman, I would be remiss if I did not tell you some of the extra work that the Historian has done for the House of Represent-

atives. I sit as a Member of the House on the National Historical Publications and Records Commission at the National Archives, and Dr. Smock has been there as my backup.

As you know, one Member of the House and one Member of the Senate sit there, and often those members are not able to participate in the 2-day-long sessions that are held frequently throughout the year, and Dr. Smock has been there as a backup for the House the entire time.

In addition to that, I have been the Speaker's representative on the U.S. Commission on the Bicentennial of the Constitution. Dr. Smock has been there as a backup for the House of Representatives in all of those considerations as well. He and his excellent staff deserve certainly our gratitude, but also we need their continued services, and I think we would be very well served by them and by future historians whom they will train and make available to this institution, which I love so very much.

Mr. MOAKLEY. Thank you, Mrs. Boggs.

I don't know of any other Member of the House that has worked so hard, so diligently on this project. You are to be commended, because I know it is a labor of love, and many times, your work goes unheralded, because it is done in such a small group.

I am just very thankful that we have a Lindy Boggs in the Congress who spearheaded this drive to bring us where we are today.

Do you think that the Historian's Office, when it becomes part of the Clerk's Office will be in the best location to serve the House of Representatives, as you have attended?

Mrs. BOGGS. I do, Mr. Chairman. I think for all the reasons which I have stated, that although I am not suggesting it be identical to the Senate Historian's Office, we can take examples from it. Under the supervision of the Secretary of the Senate, that office has been able to operate very well. Of course, the fact that the Clerk is charged with the keeping of the documents and the new responsibility on the Fine Arts Commission for documenting the fine arts and establishing standards, and, for future acquisitions, the Historian's Office is well placed under those auspices.

In addition to that, the bipartisan leadership felt that this was the proper home for the Historian's Office. This all makes me feel very confident that that is the correct place.

Mr. MOAKLEY. Thank you.

Any questions?

Mr. Solomon?

Mr. SOLOMON. Mr. Chairman, let me first of all concur in all of your remarks, especially the praise for Lindy Boggs. She is certainly one of the most respected Members of this body, and we really appreciate all the work she has done on this particular issue.

Mr. Chairman, we also appreciate your work in bringing the bill to us. Certainly the Clerk is the custodian of all the institutional records, and we have a history of fine Clerks throughout the life of this Congress. The present Clerk is no exception to that, and so, I would just thank you, Mr. Chairman, for bringing this bill to us. I want to apologize for having to leave early. Roh Tae Woo, the President of Korea, is a long-time personal friend of mine, and I am a part of the escort committee to bring him into the House Chambers; so I have to leave.

Mr. MOAKLEY. I understand. I thank you for coming in, because I know how difficult it is to break away from that very important assignment, too.

Mr. SOLOMON. I thank you very much.

Mrs. BOGGS. We thank you very much.

Mr. MOAKLEY. Thank you, Mrs. Boggs.

Mrs. BOGGS. Thank you.

Mr. MOAKLEY. The Honorable Donnald K. Anderson, Clerk of the House of Representatives, former Page of the House of Representatives. That is what you call working from the bottom up, start as a Page here, never thought the job was steady. Donnald, it is always a pleasure to have you before us.

STATEMENT OF HON. DONNALD K. ANDERSON, CLERK OF THE HOUSE, U.S. HOUSE OF REPRESENTATIVES

Mr. ANDERSON. Thank you very much for your welcome, Mr. Chairman. I appreciate your giving me the opportunity to appear today before your subcommittee to speak in favor of House Resolution 209, which would transfer the Office of the House Historian from Rule I, the Duties of the Speaker, to Rule III, the Duties of the Clerk.

The Office for the Bicentennial was created in 1982. A nonpartisan, highly credentialed professional historian, Dr. Raymond W. Smock, was selected to head this office in 1983. It was entirely appropriate to place under the jurisdiction of the Speaker this temporary office to coordinate bicentennial events and programs for the House of Representatives.

In 1989, the House established a permanent Office of the Historian. By their action, the House has wisely mandated the chronicling of the past and ongoing history of the foremost parliamentary body of the world.

It is quite logical to transfer the supervision of the Office of the Historian to Rule III, Duties of the Clerk. The Clerk is the custodian of the institutional records of the House under the provisions of Rule XXXVI and regulates access to House records under that rule and guidelines established by the Committee on House Administration.

The Clerk is required to maintain a documentary library for use of the Members of the House. The Clerk's Office of Records and Registration has the ministerial responsibility for collecting the nonconcurrent records of the House at the end of each Congress for deposit in the National Archives.

The recordkeeping responsibilities of the Clerk would be much enhanced by the skills of professional historians and expert research assistants. In like manner, the Historian's work would benefit from the augmentation of the personnel resources of the Clerk's records and information departments.

The Historian has worked closely with the Clerk in the publication of historical and reference works, which include the splendid "Guide to the Records of the U.S. House of Representatives at the National Archives 1789–1989, Bicentennial Edition."

The Clerk's Office of Printing Services coordinates with the Historian on all of his excellent publications. With the Historian as a

part of the Clerk's Office, Printing Services could render far greater support.

Title X, Public Law 100–696, establishes the House of Representatives Fine Arts Board. The provisions give the House the authority to acquire works of fine art and historic furnishings, objects, papers and documents. Under the direction of the Board, the Clerk has an extensive curatorial responsibility for new acquisitions as well as for those things already within the precincts of the House. I can foresee a large and valuable advisory role for the Historian in this connection.

The records of the House represent the precious legacy of two centuries of free expression and government by consensus. In many cases, they are not as well grouped and organized as they should ideally be.

There are categories of House records which were archived with little or no preparation; their contents neither known nor understood. The Historian would work with the archivists at the National Archives to identify and correct the deficient areas. The records would thereby become more useful to the House and to scholars of the House.

Mr. Chairman, this concludes my formal statement. I am prepared to answer such questions as you and your colleagues would be pleased to ask me.

Mr. MOAKLEY. Thank you, Donn, for a very precise presentation.

How would your Office handle the change from the 50-year to the 30-year rule? Have you received many public requests?

Mr. ANDERSON. Mr. Chairman it has not resulted in any measurable increase in requests for materials among the records of the House. I am advised of perhaps a modest 15-percent increase over a similar period last year.

Mr. MOAKLEY. Do you have any problems determining the material that was previously restricted under old rules which should now be accessible to people who may want to inquire?

Mr. ANDERSON. We have encountered no difficulty at all in adapting to the new accession schedule.

Mr. MOAKLEY. What about the inquiries made to the subcommittee regarding the House Committee on Un-American Activities, the HUAC? It is my understanding that all of these records have been closed to public access pending complete investigation and assessment by your Office.

What is the status of the files at this time?

Mr. ANDERSON. The National Archives currently has approximately 2,800 boxes from the former House Committee on Un-American Activities, and early this month, the Committee on the Judiciary retired to the Archives an additional 200 boxes. None of the roughly 3,000 boxes have been catalogued. Their contents are very unclear.

The Archives assures us that within a year, they will complete the task of assembling and cataloging the files of the former Committee on Un-American Activities. At that point, we would be in a solid position to judge what things would be in the public interest to permit researchers to see and those things which clearly would not.

As of this time, we have rather perfunctorily denied requests for access since we really don't know the contents of those certainly important and still controversial materials.

Mr. MOAKLEY. But you are working on it?

Mr. ANDERSON. Absolutely, Mr. Chairman.

Mr. MOAKLEY. Any questions?

Mr. SOLOMON. No, Donn. Thank you very much for the good job you do.

Mr. MOAKLEY. Thank you very much, Mr. Anderson.

Mr. ANDERSON. Thank you very much, Mr. Chairman.

Mr. MOAKLEY. We will now hear from Dr. Lewis Bellardo, Director of the Center for Legislative Archives, National Archives and Records Administration. Doctor?

STATEMENT OF DR. LEWIS J. BELLARDO, DIRECTOR, CENTER FOR LEGISLATIVE ARCHIVES, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Dr. BELLARDO. Chairman Moakley, my name is Lewis Bellardo, and today I am representing the National Archives and Records Administration. I am the Director of the Center for Legislative Archives, which is the office at the National Archives that preserves and provides reference services for the records of the House.

I am pleased to speak to you and the subcommittee regarding House Resolution 209 and the handling of House records at the National Archives under the 30/50 rule. Given the other things that you may have going on this morning, would you prefer me to summarize or just go ahead?

Mr. MOAKLEY. Your entire statement, without objection, will appear in the record, so you can summarize any way you want.

Dr. BELLARDO. First, I would like to point out one minor correction which is on page 3 [see p. 12].

Mr. MOAKLEY. Of your statement?

Dr. BELLARDO. Yes. It is on line 3, after the word "research," it should simply be added, "after 30 years," so that essentially most other records are available for research after 30 years.

Mr. MOAKLEY. Okay.

Dr. BELLARDO. I would like to open simply by saying that the National Archives, and my predecessors in this office, and I have greatly enjoyed working with the Clerk and the Clerk's Office, as well as with the House Historian. We have cooperated on a number of projects.

One I think we are most recently proud of is the Guide to the Records of the House of Representatives' records at the National Archives. It serves as a companion volume to one produced by the House Historical Office relating to personal papers of Congressmen that are on deposit in different depositories around the country.

Next, regarding the National Archives' position on the 30–50-year rule, the change from 50 to 30–50, our position remains the same. We support that change, and I have included with my testimony previous statements by Don Wilson, Archivist of the United States, and also my predecessor, Mike McReynolds. [See pp. 15 and 20 of this hearing.]

The mechanics of how the 30–50-year rule, the wording of it and so forth, and the provisions I think are familiar to you, so I won't belabor details of that other than to simply say that records that are open by the House prior to coming are opened as soon as they get to the National Archives. Those that do not contain national security information or personal privacy information of living individuals or executive session testimony are open after 30 years.

For those that do contain those kinds of information, their opening could be delayed up to 50 years, and thus, the 30–50 rule.

As far as whether we have seen more use of our materials since the rules change, use is up since the beginning of this fiscal year. We report in fiscal years, and 1989 was a busier year for us than 1988. Most of that increase in use does not have to do with the 30–50 change, however. It is just that there are more people using records, Congressional records and others that we have.

In terms of those historians and other individuals who have had the opportunity to work with records that are between the 30–50 years, it has been a great help to them to have those records accessible, and they have been very pleased with the change.

In terms of denials, since the change, denials of materials that are over 30 and may possibly not fall within those three categories that I gave to you.

The cases we have seen at all that we have been able to document are only two. Those are both House Un-American Activities records, so they fall into this group of records that are not fully arranged, not fully described.

We have just recently submitted a survey, a rough survey, to the Clerk's Office and to your staff regarding contents of the files, but there are, as Donn indicated, roughly 3,000 boxes of records, and they do require additional arrangement and description, and we hope that we will be able to have that finished by the end of this fiscal year.

The individual who is working on it is currently on a cross-training exercise, and he will be back with us early in the spring and will get right on that project.

So, in concluding, then, I would like to reiterate the cooperation our office has had, both from the Clerk's Office and from the House Historian's Office, and we are looking forward to continued cooperation with both of them.

[Dr. Bellardo's prepared statement, with attachments, follow:]

Statement of Lewis J. Bellardo
Director, Center for Legislative Archives
National Archives and Records Administration

On H.Res. 209

Before the Subcommittee on Rules of the House
Committee on Rules
United States House of Representatives

October 18, 1986
Suite H-313, the Capitol

Chairman Moakley, my name is Lewis Bellardo, and today I am representing the National Archives and Records Administration. I am the Director of the Center for Legislative Archives, the office at the National Archives that preserves and provides reference services for the records of the House of Representatives. I am pleased to speak to you and the Subcommittee regarding House Resolution 209 and the handling of House records at the National Archives under the 30/50 year rule.

We at the National Archives have had a long and useful relationship with the Office of the Clerk and have had the privilege of working with several incumbents of that office. It has also been a pleasure to work with the Historian of the House and to have collaborated with his office on

several projects.

Recently, staff of the Center for Legislative Archives worked closely with both tne Clerk's office and the Historian in producing the Guide to the Records of the United States House of Representatives at the National Archives, 1789-1989. That volume was a bicentennial publication of the 100th Congress and was issued as House Document 100-245. In the production of that volume we enjoyed the enthusiastic cooperation of both the Clerk and the House Historian.

I have been asked to comment on public access to House records since the enactment of the 30/50 year rule. First, in regard to the shift from the 50 to the 30/50 year rule, the Archives' position has not changed since the testimony of Michael McReynolds, my predecessor, in September, 1986; and that of Don Wilson, Archivist of the United States, in June, 1988. I have attached copies of this prior testimony to my comments. In summary, the National Archives supported the change to the 30/50 year rule, and continues to do so.

Under the provisions of tne 30/50 year rule, access to House records that have been made public prior to their transfer to the National Archives are immediately open for research upon their transfer. Records that contain personal privacy information on living individuals, records of executive

sessions, and national security information remain closed for fifty years. Most other records are available for research unless the Clerk determines that access "would be detrimental to the public interest or inconsistent with the rights and privileges of the House." In practice, access is determined by the Clerk on a case by case basis.

Researchers wanting to use House records at the National Archives make their requests in writing, by telephone, or in person. In all three cases researchers are advised that they must obtain permission from the Clerk's Office before the National Archives can grant access to the records. When visitors come to the Archives without making prior contact, we assist them in telephoning the Clerk. A description of how researchers obtain access to House records at the National Archives is attached to my comments.

Since the implementation of the 30/50 year rule, a number of researchers have made use of House records to which previously they would not have been given access. Obviously, their research has benefited greatly from the rules change.

Because researchers interact directly with the Clerk's Office on access questions, we are unable to say with certainty how often permission to use records has been withheld. Only if researchers inform us that their request

has been denied, do we become aware of the denial. I can say that I am aware of only two instances where access has been denied to records eligible for public use under the new House rules, and both instances involved the records of the House Unamerican Activities Committee. The Clerk's Office has encouraged the Archives to survey, arrange, and describe the HUAC records, so that at least a portion of the files can be opened for research. I anticipate that this work will be completed by the end of FY 1990.

In closing, I would like to parapnrase comments of the Archivist of the United States before this body a little over a year ago. Our work during the last 4 years with the staff of the Clerk's Office, the House Historian, and your Subcommittee has been marked by cooperation and coordination. We endorse your continued efforts to make the vast store of House documents more readily available to the people of this country.

HOW RESEARCHERS OBTAIN ACCESS TO HOUSE RECORDS

Researchers request access to records by writing, telephoning, or appearing in person.

Written requests are normally answered by mail. Form paragraphs are used by the Center for Legislative Archives to advise researchers of the restrictions on the records and whom to write for authorization to use unrestricted records.

Occasionally, requests for loans of records for exhibit purposes come to us, normally through the NARA Office of Public Programs. If we determine the records are appropriate for exhibition, we write to the Clerk requesting permission to loan the records. This is done only after the NARA document conservation lab has determined under what conditions the document can be exhibited and what preservation steps are required to assure its safe handling.

Telephone requests may be answered by phone or mail. If by mail, the above procedure is followed. If by phone, we inform the researcher of the need to contact the Clerk's Office for authorization and to contact us when authorization has been obtained.

When researchers appear in person, often without prior notice, we ask the researcher to call the Clerk's Office from our office or we place the call ourselves. The Clerk's Office usually provides authorization over the phone. We record this information on an in-house form, "Record of Telephone Authorization to View Records of the United States House of Representatives". In conformance with the Clerk's policies, we instruct researcners of the requirement to follow up their telephone request with a written request. If the Clerk's Office cannot authorize the request over the phone, the Clerk's staff will ask the researcher to write the Clerk's Office to more fully explain or clarify the request. On rare occasions, we have loaned records to the Clerk's staff at their request so that they could make their determination.

The Clerk's Office notifies the researcher of the access determination by letter. When access has been authorized, a copy of the letter is routinely sent to NNLR. Once we have received either oral or written permission from the Clerk's Office to provide House records, we take records to the National Archives Central Research Room or provide copies as requested.

STATEMENT OF DR. DON W. WILSON,

ARCHIVIST OF THE UNITED STATES,

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

BEFORE THE SUBCOMMITTEE ON THE RULES OF THE HOUSE,

COMMITTEE ON RULES, UNITED STATES HOUSE OF REPRESENTATIVES,

JUNE 15, 1988, ON HOUSE RESOLUTION 419.

Chairman Moakley, I am pleased to testify before you and the Subcommittee today on House Resolution 419. With me is Michael McReynolds, Director of the Legislative Archives Division at the National Archives. Passage of the resolution will be a significant step in making the records of the House of Representatives more readily available to the citizens of this country. We appreciate the work of your Subcommittee on this question and applaud the recently published Subcommittee Print on the access policies of state and other national legislatures. The study indicates the unique relationship of the United States Congress and the National Archives, in that the records of the House and the Senate are not kept by the legislative bodies themselves, as is the case in almost all other countries. Here the records of Congress have been successfully entrusted with the National Archives for many years, as our recent project with the House Iran-Contra Committee records amply illustrates.

As you may know, I became Archivist of the United States in December of last year, but before that I was the Director of the Gerald R. Ford Presidential Library in Michigan. Many of the papers at that Library, of course, originated in the House of Representatives during President Ford's long and meritorious career here. The personal papers of Congressman Ford, along with the records from the White House, were given to the National Archives with a deed of gift from President Ford. The deed included a liberal access policy for researchers wanting to know about

President Ford's career, and most his congressional papers are now available, 15 years after he left the House.

So I come to this hearing with some experience with access policies related to the records of the House and an understanding of the issues raised in revising those policies. The National Archives participated in your hearing in 1986 on the same matter and presented a longer discussion on the archival considerations related to public access to the House records. In reviewing the record of that hearing, we want to emphasize that the proposed access revision would continue to protect individual privacy, national security information, and executive session records for 50 years. The proposed resolution will in fact establish a 30-50 year rule.

Many House records will be open after 30 years, but the National Archives staff will screen the records for those three categories and withhold the restricted records, as we now do for the Senate records with its 20-50 year rule. Since 1980, we have screened, withheld some records, and made available to researchers other Senate records of a very sensitive nature and have no complaints from the Senate. Those records include topics such as internal security, atomic energy, and criminal investigations. We received some complaints from researchers, but when the access policy was fully explained, they understood.

We were asked to comment on the question of the merits of a 20-50 year rule or a 30-50 year rule. Undoubtedly it

would be administratively easier to have a uniform access rule for both the House and the Senate. Researchers are puzzled by the present difference and will remain so with a House 30-50 year rule. Most researchers are working on a specific topic and use both the House and the Senate records in their research. With the 30-50 year rule, a student working on the relationship between Congress and President Kennedy will be able to see relevant records from the Senate, but not from the House.

The question of a 20 year standard affecting present House members is lost to the American public, because the administrative and committee records of the House at the National Archives contain almost no political or personal documentation. The records are bill files, petitions from citizens, reports from executive agencies, and transcripts of hearings and other records related to the official work of the House. As Congressman Glenn English stated in his letter to you dated January 25, 1988, "In general, any need for confidentiality will have long since disappeared by the twenty year mark." Our advise on this question is that we can easily work with a 30-50 year rule, but we see the administrative and training costs for our staff would be reduced if the resolution would establish a 20-50 year rule, and the American research public would enjoy a consistent access policy to the records of Congress.

For the past year National Archives staff members have been meeting with House committee staff directors and

records officers to acquaint them with the programs of the National Archives and answer any questions they might have about their records located in the Legislative Archives Division of the Archives. The meetings were successful in establishing a working dialogue on many records matters. In each of the sessions we asked if they had objections to the revision of the 50 year rule. Almost unanimously they did not, but almost always they did request some type of records management assistance. The National Archives does provide such assistance for executive agencies, and we would pleased to work with the Clerk's Office in providing records management programs designed specifically to the needs of the House. We are talking with the staff of the House Administration Committee about revising the Committee Records Guidelines handbook and can turn our attention to it, once the Bicentennial Guide to the Records of the House of Representatives at the National Archives is ready for publication.

Our work in the last 3 years with the Clerk's Office, the House Office for the Bicentennial, and your Subcommittee marks a new era in cooperation and coordination between the House of Representatives and the National Archives. We endorse your continued efforts to make the vast store of House documents more readily available to the people of this country.

STATEMENT OF R. MICHAEL MCREYNOLDS
DIRECTOR, LEGISLATIVE ARCHIVES DIVISION,
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

BEFORE THE SUBCOMMITTEE ON RULES OF THE HOUSE, COMMITTEE ON RULES, UNITED STATES HOUSE OF REPRESENTATIVES SEPTEMBER 17, 1986, ON ACCESS TO THE RECORDS OF THE HOUSE OF REPRESENTATIVES.

My name is Michael McReynolds, and today I am representing the National Archives and Records Administration. I am the Director of the Legislative Archives Division at the National Archives. We are grateful for the opportunity to provide information to the Subcommittee on Rules of the House of the United States House of Representatives on the records of the House. We are also pleased that this opportunity comes as a result of our somewhat newly independent status within the Federal Government.

Ever since the passage of the Legislative Reorganization Act of 1946, the administrative and committee records of the House of Representatives have been received, preserved, and made available to the American public at the National Archives. The first accession of records totalled almost 10,000 cubic feet of records and included the earliest documents of the House when it first met in 1789. Now records are regularly transferred after the time lapse of 2 Congresses; we now have more than 23,000 cubic feet of House records in the Legislative Archives Division.

As you know the records are, and will remain, in the legal custody of the House. The United States is unique in the western world in that the national archives of this country not only has the records of the executive branch of Government, but also the records of both Houses of Congress and the Supreme Court. Some people have chided us that this arrangement conflicts with the separation of powers, but the

National Archives believes the housing of the records of all three branches of Government is based on the trust those three branches have in the National Archives. The arrangement certainly facilitates research and makes the public record easily available to the American people.

The archival responsibility where the trust is most necessary and tested each day is that of granting access to records we hold. The law and executive orders governing access to Federal records attempt to strike a balance between the public's right to know about its Government and the Government's need to protect some information from immediate disclosure. In practice that means State Department records from the 1950's are being declassified and made available to the public; Office of Management and Budget records from the 1960's in the National Archives are open; the bulk of President Gerald Ford's records can be examined by citizens; and many Federal agencies are opening very recent records in response to Freedom of Information Act requests.

Access to the records of the House of Representatives, however, is restricted for 50 years. As you may imagine, researchers coming to the National Archives are often stunned when they learn of the 50-year rule. They are unable to see any unpublished House records after September 17, 1936. If they are interested in the workings of the House during the second administration of President Franklin Roosevelt, they cannot see the records. That is also true

for World War II and the Korean War. We have enforced the 50-year rule since the House records were opened for research, but it is increasingly difficult to explain the rationale of the rule to citizens who come to the National Archives and can see much more recent records of many Federal agencies, the Supreme Court, and the United States Senate.

What are the records that are being kept closed for 50 years and who are the people seeking access to those records? The records are the administrative and committee records of the House. They are the bill files from the committees; the petitions from citizens to the House; the correspondence and reports from the White House and executive agencies; and the transcripts of hearings and other records related to the official work of the House. They do not include the office files of individual Congressmen which remain the personal property of the Members.

The people who seek access to those House records are historians, political scientists, lawyers, and many family historians. In fact genealogists make up the majority of our researchers, as you can see in the annual report submitted to Congress earlier this year and included as part of this testimony. In the 19th century, many citizens filed claims against the Government directly to Congress, and those claims files among the House records are excellent sources for family histories.

We believe the 50-year rule was instituted to protect the sitting Members of the House from political entanglements when access is granted to House records. As you may surmise from my brief description of the House records at the National Archives and the types of researchers who use the records, it is unlikely that many, if any, political or embarrassing records will be filed in committee or the Clerk's records and transferred to the Archives. Nor do we have researchers looking for political documents that might be used against a sitting Member of Congress. Political documentation is filed in the personal offices of the Congressmen, and those records remain in the legal custody of the Members.

Another factor in this matter of access is that Congress traditionally has published far more of its information than any other Government body, as a means of disseminating information about its work. The Congressional Record and its predecessors; the Congressional serial set, which is a collection of Committee reports and other documents; transcripts of Congressional hearings; and since 1979, the telecasting of the House floor proceedings, all illustrate the long and highly praised policy of the House of Representatives to make its record freely and widely available to the American people. Only in the area of its archival records does the House limit access to its record.

From the time that the first House records were transferred to the National Archives in 1946 until the

passage of House Resolution 288, 83rd Congress, in 1953 access was extremely difficult. Very few individuals or government agencies were permitted to view these records. In two instances, state libraries were fortunate enough to have House resolutions passed on their behalf to enable them to secure photostatic copies of nineteenth century documents of importance to their state histories. The American Historical Association and the National Archives urged the House to adopt a more liberal access policy toward its historic records. These institutions favored the passage of the 50 year rule, which was in keeping with many other Government agencies of that time. Their labors were rewarded with the passage of House Resolution 288, 83rd Congress. While the resolution clearly opened for research all records over 50 yers old, it permitted the Clerk some discretion on opening other House records.

Indeed our records show that from 1953 to at least 1971, the Clerk permitted access to House records regardless of their age. In fact the first researcher to request records of the House after the passage of House Resolution 288 in 1953 wanted to view records from 1930-1940; he was granted access. That same researcher or any other would be denied access to these same records if he asked to view them in 1986--33 years later.

From 1958 to 1971 the situation became at once less structured and more open. In a 1958 meeting between the Clerk, then Ralph Roberts, Speaker Sam Rayburn and the

Archivist of the United States it was concluded that the authority of House Resolution 288 expired with the 83rd Congress. The only way researchers could obtain access henceforth was by applying to the Clerk for permission. The Clerk continued to grant access to records of quite recent origin.

In a 1971 letter to the Archivist, however, the Clerk reasserted the authority of the 1953 House Resolution 288. He insisted that researchers wishing to view certain categories of records, such as those less than 50 years old, be required to seek specific authorization. By the mid 1970s the practical effect of this was to deny access to all House records less than 50 years old--records that in some cases had been openly viewed by many researchers.

Let me therefore outline the current procedures for access to those records that are more than 50 years old, that is documents that date from 1789 to 1936. First, the researcher must obtain the written authorization of the Clerk of the House for that purpose. This procedure is designed to permit the Clerk to exercise the authority vested in him by House Resolution 288, 83rd Congress. The resolution permits the Clerk to release documents that are at least 50 years old "except when he determines that the use of such records would be detrimental to the public interest." The Clerk discharges his responsibilities by requiring researchers to file a formal written request asking permission to view the files. In response to the

researcher's request, the Clerk writes a letter to the researcher with a copy to the National Archives, giving his approval. We are unable to find a single instance where the Clerk has denied access to records that are at least 50 years old.

This procedure is required of all researchers, including genealogists who use the most popular series of House records: the records of the Southern Claims Commission. This Commission met from 1871 to 1880 to adjudicate the cases of Southerners who lost property at the hands of Northern forces during the Civil War. These records are a gold mine of genealogical information for people whose ancestors filed claims before the Commission which reviewed over 20,000 claims. Typically a researcher asks if we have a file for his ancestor. Our response indicates the number of pages in the file and the cost to obtain a copy, and says that before we can provide copies of the file, the researcher must obtain the written authorization of the Clerk. Because these records are well over 50 years old, the Clerk always approves the request.

What happens if a researcher comes to the National Archives to view records of the House, unaware that he first had to clear the request with the Clerk? In this instance it is, of course, impractical for the researcher to write a letter and wait for a response. We ask the researcher to use one of our office telephones to call the Clerk's office to secure verbal clearance to view the records. The Clerk's

staff members have cooperated in this arrangement, but insist that after the fact the researcher submit a formal request to view the records.

In these cases, the Clerk is theoretically ensuring that House records older than 50 years that are "detrimental to the public interest" are not released to the public. But in practice no one from the Clerk's office examines the records in question. This procedure is pro forma and wasteful of time and money. In effect the Clerk's office trusts the archivists at the National Archives to protect the public interest and the records of the House. Requiring permission to view 50 year old records is a throw back to an earlier age, when access to public records was secured through connections in Washington. To a public that is accustomed to viewing the records of their Government as a right, the House's practices are seriously antiquated and misunderstood.

Unfortunately, access to records of the House through connections does occur. Enterprising researchers can get around the 50 year rule. According to House Rule XI(e)(2), Members may view House records regardless of their age, under the auspices of the appropriate Committee. Our enterprising researcher contacts the Committee, or contacts someone in his Congressman's office, who contacts someone on the Committee. The Committee borrows the records from the Archives, and the researcher is permitted to view the documents in the Committee's offices. This is what

archivists call "privileged access." Most Americans cannot see House records less than 50 years old, but those who have connections can. We would like to see this practice end, and most of it would if the House had access rules more attuned to modern information policies.

The National Archives has been asked what restrictions we see as being appropriate for the House records: restrictions that will protect the work of the House, provide citizens with access to information they seek, and relieve both the Clerk and the Archives of burdensome and costly procedures. We suggest that the House look to the Senate for guidance and experience with a 20 and 50-year rule. In 1980, the Senate passed Senate Resolution 474, 96th Congress, 2nd Session, that established a 20-year rule on most of its records in the National Archives. Investigative records relating to individuals and containing personal data, personnel records, and records of executive nominations not previously made public are closed for 50 years. All other Senate records are open after 20 years, unless a committee establishes some other restriction.

In the 6 years since that resolution was passed the National Archives has provided Senate records to researchers without any problems. The public can see Senate records well into the era of the Viet Nam war, the civil rights movement, and the presidency of Lyndon Johnson.

Two Senate committees moved to open even more recent records. The Rules Committee established a restriction

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statement for Sam Ervin's Watergate Committee records that is very similar to the Freedom of Information Act permitting access to most of that important set of records. And earlier this year, Senator Lugar, Chairman of the Foreign Relations Committee, notified the National Archives that four series of Foreign Relations Committee records at the Archives are open to the research public. Those series contain records created in the early 1980s. Again, we have had no crises, leaks, or "boomerangs" when allowing the public to see these records. We do note far more interest and activity by the research public in the records of the Senate.

The Senate 20/50-year rule is only one of several access regulations with which we work at the National Archives, but House and Senate records are similar in content and attract similar types of researchers. We have and will work with any set of regulations the House of Representatives establishes for its records. We will protect the public interest and the rights and privileges of the House.

Archivists at the National Archives have an exemplary record in protecting the records of the United States Government. Justice William Brennan in his opinion for the Supreme Court in Nixon v. Administrator ruled against the former President's privacy claim stating "the unblemished record of the archivists for discretion" would protect the privacy of the former President (433U.S.465). Our record

for discretion remains unblemished. The records of the House of Representatives represent a vast documentary source of information for the American public. The National Archives hopes to make more of that great historical legacy available to the people of this country.

Mr. MOAKLEY. In fact, your statement has answered my questions, and I thank you very much for your presentation.

Any questions? Thank you very much.

Now we will have the pleasure to welcome Dr. Raymond W. Smock, the Historian of the U.S. House of Representatives. Doctor?

STATEMENT OF DR. RAYMOND W. SMOCK, HISTORIAN, U.S. HOUSE OF REPRESENTATIVES

Dr. SMOCK. Thank you, Mr. Chairman.

I am delighted to be here to discuss H. Res. 209. The resolution has our hearty support, and we look forward to the establishment of a permanent Historical Office under the administration of the Clerk.

I have, at the subcommittee's request, prepared a report of the activities of the Office of the Bicentennial of the House during the 6 years that we have been in existence, and I have expanded a few items since I submitted that report to the subcommittee, and I would like to at this time submit the revised report for the record. [See p. 38.]

Mr. MOAKLEY. Without objection, the Doctor's entire statement will appear in the record.

Dr. SMOCK. In addition to that, I also have another item, a proposal for a documentary history of the United States Congress, which speaks to the future of the Office, and——

Mr. MOAKLEY. Without objection, that also will appear in the record. [See p. 58.]

Dr. SMOCK. Thank you.

In the few minutes that I have today, Mr. Chairman. I would like to focus on the future of the Office of the Historian, while this report that I am submitting speaks to what we have accomplished in the past.

Mr. Chairman, in this place, the House of Representatives, history is made every day, and there will always be challenging work for an historical office in the House.

The life blood of historical research is the records of Congress. "No records, no history" is a familiar maxim to historians. We do our best work and will be of the best service to the House when we systematically study the official records of the early Congresses, when we examine the diaries and the memoirs of the men and women who served here, when we encourage Members to preserve their personal papers for posterity, and when we see to it that the official records are well-cared-for and, subject to the Rules of the House, made available in a timely fashion for scholarly use.

We also have an opportunity to lead the way in the study of the diverse and rich records of Congressional history. We need to know a lot more about how the House of Representatives has grown as an institution, how it has changed along with the country over two centuries, and how over time, it has organized and reorganized itself to carry out its constitutional mission.

When we began 6 years ago, the Office for the Bicentennial had a specific mission to plan for the 200th anniversary of the House. Everything we did was designed to meet that goal.

Oversight and guidance for our programs and projects has been the responsibility of a bipartisan Commission on the U.S. House of Representatives Bicentenary, which has benefited immensely, as you have already suggested, from the superb leadership of our chairman, Congresswoman Lindy Boggs.

In addition to planning for the Bicentennial, we had another goal which had the support of our Commission, and that was to lay a foundation for a permanent History Office. Everything we did in those 6 years was designed to lead up to that eventuality, so that we could build on the work that we have done in the past and not have to start all over again, and I think we have achieved that goal.

Now, we are ready to move ahead. I know how difficult long-range planning can be, but if we do expect to add to the historical understanding of an institution as complex as the House of Representatives, we have to think about where we would like to be 10 or 15 years down the road, and I think the project that I have submitted here, the documentary history of the U.S. House of Representatives, will give us a solid plan for the future.

This study will help draw together key records from the vast and scattered sources of congressional history, and would offer Members, staff, and researchers essential records necessary to understand the structure and the operation of the House during its 200 years of existence.

The Senate Historical Office is planning a similar project for the Senate, and we anticipate both projects going forward, so we would have a House series, a Senate series, and a joint series for those parts of the institution which can best be viewed in a joint context.

Let me conclude by saying that we look forward eagerly to working even closer than we have with the Office of the Clerk. The Clerk and his staff have helped and supported us in some ways that we truly feel like we are already part of the family. The House is fortunate to have a Clerk who is himself a keen student of the history and traditions of the House, and so we could not be more pleased to see our relationship with the Clerk's Office strengthened by the resolution before us today.

We will do all we can to be of assistance to the Clerk, especially in the area where we think professional historians can do the most effective work, in matters that bear on the preservation and use of historical records.

Finally, Mr. Chairman, I would like to thank you and the members of this subcommittee and the subcommittee staff for your fostering interest in the Office of the Historian. We appreciate the many courtesies this subcommittee has extended to us in the past, and we will never forget that the Rules Committee is the committee that created this office in the very beginning, so thank you, and I would be glad to entertain any questions.

[Dr. Smock's prepared statement, with attachments, follow:]

Remarks of Dr. Raymond W. Smock
Historian, United States House of Representatives
before the
Subcommittee on Rules of the House

October 18, 1989

Mr. Chairman, Members of the Subcommittee, I am delighted to be here today to discuss H. Res. 209 amending the Rules of the House to transfer the Office of the Historian of the House of Representatives to the Clerk. The resolution has our hearty support, and we look forward to the establishment of a permanent Office of the Historian under the administration of the Clerk.

I have, at the subcommittee's request, prepared a report on the activities of the Office for the Bicentennial of the House during the six years it has been in existence. I have expanded a few items since I submitted a version of the report to you earlier, and I would like to submit the revised report for the record at this time. While I would be happy to discuss any part of that report, what I propose to do in the few minutes I have today is focus on the future of the Office of the Historian, rather than the accomplishments of the Office for the Bicentennial.

Mr. Chairman, the House of Representatives is a place where history is made everyday. There will always be challenging work for a historical office in the House. The life blood of historical re-

search is the records of Congress. No records, no history, is a maxim familiar to historians. We do our best work and are of the best service to the House when we systematically study the official committee records of the early congresses, when we examine the diaries and memoirs of the men and women who have served here, when we encourage Members to preserve their personal papers for posterity, and when we see to it that the official records are well cared for and, subject to the Rules of the House, available in a timely fashion for scholarly use.

We also have an opportunity to lead the way in the study of the diverse and rich records of congressional history. We need to know a lot more about how the House of Representatives has grown as an institution, how it has changed along with the country over two centuries, and how over time it has organized and reorganized itself to carry out its constitutional mission. If you think it appropriate, I would like to append to my remarks and the report submitted earlier a blueprint of what I consider the most fundamental work the Office of the Historian should undertake in the years ahead, a documentary history of the House of Representatives.

When we began six years ago as the Office for the Bicentennial we had a specific assignment: to plan for the 200th anniversary of

the House. Everything we did was designed to meet that goal. Oversight and guidance for our programs and projects has been the responsibility of the bipartisan Commission on the U.S. House of Representatives Bicentenary, which has benefited immensely from the superb leadership of our Chairman, Congresswoman Lindy Boggs. In addition to planning for the bicentennial, we had another goal, which had the support of our Commission: to lay a foundation for a permanent history office. Our work on the Biographical Directory of the United States Congress and our national survey to locate the research collections of former Members of the House, are examples of bicentennial projects that have long-range value to a permanent history office.

Now we are ready to move ahead. I know how difficult long-range planning can be. But if we expect to add to the historical understanding of an institution as complex as the House of Representatives, we must think of where we would like to be ten or fifteen years down the road. There is no project better able to give us new levels of historical understanding than a systematic investigation of the development of the House as revealed in the records themselves. A documentary history of the House, by drawing together key records from the vast and scattered sources of congressional history, would offer Members, staff, and researchers the essential

record necessary for understanding the structure and operation of the House during its two-hundred year history. The Senate Historical Office is planning a similar project for the Senate, so if both projects go forward we will have an opportunity to create the most comprehensive history of Congress ever assembled in one source.

Let me conclude by saying we eagerly look forward to an even closer institutional tie with the Office of the Clerk. The Clerk and his staff have helped and supported us in so many ways that we already feel like part of the family. The House is fortunate to have a Clerk who is himself a keen student of the history and traditions of the House. We could not be more pleased to see our relationship with the Office of the Clerk strengthened by the resolution we are discussing today. We will do all we can to be of assistance to the Clerk, especially in the area where we think professional historians can do the most good work, in those matters that bear on the preservation and use of the historical records of the House. Finally, I would like to thank you, Mr. Chairman, the Members of this subcommittee, and the subcommittee staff, for your fostering interest in the Office of the Historian. We appreciate your many courtesies since the office was established, and, of course, we will never forget that the Rules Committee was responsible for our creation in the first place.

Report on the Activities of the Office for the Bicentennial of the House of Representatives, 1983-1989

Background

The Office for the Bicentennial of the U.S. House of Representatives was established in the 97th Congress, on December 17, 1982, when the House agreed to H. Res. 621, which amended Rule I of the Rules of the House by providing for the establishment of an office to coordinate the planning for the bicentennial of the House in 1989. The Office, under the direction of the Speaker, was staffed by a professional historian selected without regard to political affiliation and solely on the basis of fitness to perform the duties of the position following a nationwide search conducted by a bipartisan panel of Members of the House under the administration of the Committee on Rules. This action came after the House had rejected H. Res. 581 on September 24, 1982, which had called for the creation of a permanent Office of Historian of the House. The Office for the Bicentennial, according to the pro-

visions of H. Res. 621, was to cease to exist not later than September 30, 1989, unless otherwise provided by law or resolution.

On January 3, 1989, at the beginning of the 101st Congress, the House amended Rule I of the Rules of the House and established a permanent Office of the Historian of the House of Representatives. Earlier, during the 99th Congress, the House established a Commission on the United States House of Representatives Bicentenary (H. Res. 249) to provide oversight and development of the House bicentennial program. The bipartisan Commission is composed of six Members and two former Members appointed by the Speaker in consultation with the Minority Leader. The Majority and Minority Leaders serve as ex officio Members of the Commission. Congresswoman Lindy Boggs has served as Chairman since the inception of the Commission. The Office for the Bicentennial serves as staff for the Commission.

From their inceptions, the Office for the Bicentennial and the Commission on the U.S. House of Representatives Bicentenary have been charged with the development of an appropriate program of publications, exhibits, symposia, and related activities which have the purpose of commemorating the history and development of

the House over the past two centuries. The Office for the Bicentennial also planned from the very beginning to lay a solid foundation for a permanent history office, if and when the House decided to establish such an office. The Historian began his duties on October 1, 1983. In the first annual report of the Office, the Historian described the plan of work that has been followed for the past six years. The account of activities which follows is listed in the same categories as those mentioned in H. Res. 249, which established the bicentenary commission. These categories are: publications, exhibits, symposia, and related activities.

Publications

Biographical Directory of the United States Congress, 1774-1989: Bicentennial Edition. The publication of this 2,104 page directory, containing biographical sketches of every Member to serve in the House and Senate as well as in the Continental Congress before 1789, was the most ambitious and time-consuming project of the Office for the Bicentennial. Work began as soon as the Office was established in 1983, and the volume was completed and published on schedule at the opening of the 101st Congress in

January 1989. This project was a joint effort with the Senate Historical Office and the Joint Committee on Printing. The responsibility of preparing and editing the biographical sketches of more than 10,000 House Members was that of the Office for the Bicentennial.

A Guide to Research Collections of Former Members of the United States House of Representatives, 1789-1987; Bicentennial Edition. This 504-page compilation of the locations and descriptions of important research collections of more than 3,000 of former Members of the House was begun in 1984. The publication represents the results of an ambitious national survey to locate the scattered manuscripts and other historical material that is essential to further historical studies of the House of Representatives. No such guide for House historical resources existed until this publication appeared in December 1988. It represents a major tool for further studies of the House. It was compiled with the nationwide support of volunteer historians, archivists, and librarians, who provided the data for the publication.

Guide to the Records of the United States House of Representatives at the National Archives, 1789-1989; Bicentennial Edition.

This 466-page guide to the official committee records of the House at the National Archives was a major bicentennial project of the National Archives. The Office for the Bicentennial and the Office of the Clerk of the House were instrumental in launching this project and worked closely with the Archives staff in the review and editing of the manuscript during its four years of preparation, beginning in 1985. The volume was published at the beginning of the 101st Congress in January 1989. This guide, and a similar guide to Senate records, represent the first systematic description of House and Senate records since "preliminary inventories" of House records were completed in 1959.

History in the House. Periodically, beginning in October 1984, the Office for the Bicentennial has prepared 4 to 8-page newsletters on historical topics and bicentennial information. Some of the features subsequently have been used by Members in their own newsletters and speeches, and a number of the newsletter items have been reprinted in newspapers around the country and are being used in classrooms. The newsletters are distributed to all congressional offices, a select list of historians and political scientists, and members of the public who have requested to be added to our mailing list. Ten issues have appeared since 1984, with a circulation of about 4,600 copies.

Black Americans in Congress. (Forthcoming). The Office for the Bicentennial began work on this project in 1986. Originally planned as an update of a popular booklet of the same name issued by Congress during the American Revolution Bicentennial, and long out of print, the Office for the Bicentennial with encouragement of the House bicentenary commission, has expanded the scope of the publication with new research and new illustrations which add substantially to the biographical data available. The manuscript is completed and ready for submission to GPO as soon as a pending printing resolution receives final approval from both bodies.

Women in Congress. (Forthcoming). This, too, was originally conceived and published during the American Revolution Bicentennial and has long been out of print. Again, the Office for the Bicentennial decided to rewrite the entire publication based on new research. Work began in 1986. All primary research is completed, all phonographs have been collected, and new sketches are currently being drafted. The volume should be ready for publication in about three months.

Origins of the House of Representatives: A Documentary Record. (Forthcoming). This is a compilation of historical

material from James Madison's Notes at the Federal Convention in Philadelphia in 1787, the Federalist and Antifederalist debates, and private letters of the Founding Fathers and Members of the First Congress, which describe the origins of the House of Representatives. Each document is introduced with an editorial note on its historical significance. This project, launched by the Office for the Bicentennial in mid 1987, is now completed and ready for publication, pending passage of a printing resolution.

The U.S. Capitol: A Brief Architectural History. (Forthcoming). Prepared by the Office of the Architect of the Capitol, this publication (approximately 25 pages) will feature a succinct text and some outstanding historical photographs documenting the evolution of the Capitol Building, one of the most familiar American landmarks. The Office for the Bicentennial encouraged the production of this booklet and has assisted with its design and preparation for publication. The booklet is completed and awaits approval of a pending printing resolution.

Exhibits

The Splendid Hall. The Office for the Bicentennial acted primarily as a coordinator and facilitator for congressional exhibits since the Office had no specific budget or sufficient staff to mount major exhibits on its own. The Office did create two exhibits. The first, which can be seen in Statuary Hall, is on the history of that room when it served as the House Chamber from 1807 to 1857. Planning for the six-panel exhibit, entitled "The Splendid Hall," began in 1987. The Office for the Bicentennial had the cooperation and support of the Office of the Architect of the Capitol in assembling the exhibit. The exhibit opened in January 1989 as soon as the space was available following events surrounding the presidential inauguration. It is designed to blend in with the room and not interfere with other uses of the space so the exhibit can remain in place indefinitely.

Congress on Stamps. In cooperation with the Capitol Hill Philatelic Club, the U.S. Postal Service, the Congressional Research Service, and the Smithsonian Institution, the Office for the Bicentennial mounted a popular exhibition of U.S. commemorative postage stamps which featured Members of Congress, Acts of Congress, and the Capitol Building. The centerpiece of the exhibit was the new House and Senate bicentennial postage stamps, de-

scribed below. The exhibit was placed in the rotunda of the Cannon House Office Building and was on display during the month of March 1989.

The Tides of Party Politics: Two Centuries of Congressional Elections, 1789-1989. This major exhibition, prepared by the Library of Congress, opened on February 8, 1989, and ran through August 1989 in the foyer of the Madison Building. It featured detailed maps of the United States showing every congressional district and the outcome of each congressional election in American history. It was based on the work of West Virginia University scholar Kenneth Martis. The Office for the Bicentennial encouraged Dr. Martis to present his unique research in a major exhibit. The Office also held meetings with the Library of Congress to add this exhibition to their bicentennial agenda. The Office for the Bicentennial also was fortunate to receive the benefit of Dr. Martis's scholarship on congressional elections for use in the Biographical Directory of the United States Congress.

The First Federal Congress, 1789-1791. The Smithsonian Institution's National Portrait Gallery mounted a major exhibition which was on display from March 2, 1989, to July 23, 1989. The

Office for the Bicentennial encouraged the production of this exhibit and worked with Smithsonian officials and staff and staff of the Commission on the Bicentennial of the U.S. Constitution to help launch the effort. A lasting benefit of the exhibit is a fine catalog prepared by Margaret Christman of the Smithsonian staff.

To Make All Laws. A major Library of Congress exhibition on two centuries of Congress, opened to the public on September 29, 1989, in the Madison Building. It will be on view until February 18, 1990. Components of the exhibit will travel to thirty American cities over the next two years. A handsomely illustrated catalog, written by Jim Hutson of the Library staff, accompanies the exhibit, which is based on the extensive collections of the Library of Congress. The Office for the Bicentennial met with Library officials and staff in 1987 to help launch the exhibit, provide support and encouragement, and develop themes for the exhibition.

Symposia

Harpers Ferry Conference on Congressional Papers. July 31-August 2, 1985. Sponsored by the National Historical Publications and Records Commission and the Dirksen Congressional Center, the three-day conference brought together nineteen historians, archivists, and records administrators to discuss problems related to the preservation and dissemination of information in the vast and widely scattered papers of former Members of Congress. The House Historian participated in the conference, which resulted in the publication of an NHPRC report Congressional Papers Project Report (1985). The conference has been valuable in developing guidelines for Members of Congress making provisions for the preservation of their private papers.

Understanding Congress: A Bicentennial Research Conference. (February 9-10, 1989). Sponsored by the House and Senate bicentennial commissions, the Library of Congress, The Lyndon B. Johnson Library, and the Everett Dirksen Congressional Center, this two-day conference held at the Library of Congress and in the Cannon and Russell Caucus Rooms, brought together more than 350 historians, political scientists, journalists, current and former

Members of Congress, and the public to discuss a variety of ways to enhance public understanding of Congress and to explore some of the challenges and opportunities of congressional research. The House historian presented a paper on some of the problems associated with the voluminous records of Congress. The proceedings of the conference are being edited for publication by the Library of Congress.

Related Events and Ceremonies

The above mentioned publications and exhibits were occasions of ceremonial presentations and openings involving Members of Congress, scholars, journalists, and the public. In addition, the Office for the Bicentennial planned and conducted other special ceremonies and events.

Congressional Ceremony in Commemoration of the "Great Compromise" in the Constitutional Convention of 1787. (July 16, 1987). For the 200th anniversary of the "Great Compromise" in the Constitutional Convention that established the bicameral legislature, more than 200 Members of the House and Senate journeyed to

Philadelphia to take part in ceremonies at Independence National Historical Park at the site of the Federal Convention and the home of Congress from 1790 to 1800. The Office for the Bicentennial was charged with a major role in planning this event and preparing the historical materials used in the ceremonies. The Office worked closely with the officers of the House and Senate, the U.S. Park Service, and officials of the City of Philadelphia, the U.S. Army Bicentennial Office and others to coordinate the day long activities.

Special Joint Meeting of Congress in Commemoration of the Bicentennial of the United States Congress. (March 2, 1989). The Office for the Bicentennial was charged with developing the program for the House and coordinating the event with the Senate Historical Office. In addition to the remarks of the House and Senate leaders, the session included a poem written specially for the occasion by the Poet Laureate of the United States, Howard Nemerov, and an address by the distinguished historian David McCullough. The House Chamber was specially decorated for the occasion, and musical accompaniment was provided by the United States Army Band and the Third United States Infantry Fife and Drum Corps. A feature of the ceremony was the unveiling of de-

signs for the House and Senate commemorative postage stamps and the Congressional Bicentennial Coins.

The Congress: The History and Promise of Representative Government. (March 13, 1989). A film produced in cooperation with the Office for the Bicentennial and the Senate Historical Office by the award winning film maker Ken Burns. This 90-minute documentary was funded by Ameritech and produced by Ken Burns and WETA public television. The gala premier of the film was held at the National Theater on March 13, 1989. A week later it was broadcast over most of the PBS stations across the country. Subsequently it has been widely distributed to schools. In addition to promoting the film and planning for its premier, the Office for the Bicentennial worked closely with the writers and film crew and participated in the creation of teachers guides and classroom material supporting the film.

First Day of Issue Ceremony for the House of Representatives Bicentennial Postage Stamp. (April 4, 1989). The Office for the Bicentennial and the Postmaster of the House coordinated and helped plan a ceremony conducted by the U.S. Postal Service on the occasion of the First Day of Issue of the House commemorative

stamp, which featured the "Car of History" statue in Statuary Hall, the old House Chamber. The ceremony was held in Statuary Hall, beneath the "Car of History." A First Day of Issue cancellation station provided Members, staff, and the public with an opportunity to mark this event with a permanent souvenir of the House bicentennial.

Two Hundredth Anniversary of the Inauguration of George Washington. (New York City, April 30, 1989). The Office for the Bicentennial was charged with coordinating and planning for congressional participation in the New York City events on the steps of Federal Hall, the site of the home of the First Congress and the place where George Washington's inauguration was held. The congressional delegation joined the President of the United States, cabinet officers, New York City and State leaders, and national, state, and city bicentennial officials for the day-long events, including a church service in historic St. Paul's Chapel, where George Washington attended services on the day of his inauguration, an address by President Bush, remarks by Congresswoman Lindy Boggs, representing the House of Representatives and Senator Daniel Moynihan, representing the Senate, and a bicentennial procession up Broadway.

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First Strike Ceremony for Congressional Bicentennial Coins. (June 14, 1989). For the first time in the history of the United States Mint, coins were struck outside a Mint facility on Flag Day, 1989. The ceremony was held in a specially constructed tent on the East Front of the Capitol. Coin presses from the U.S. Mint in Philadelphia were brought to the Capitol for the event. Members of Congress participated in the ceremony and actually struck coins. A number of Members participated in a Mint program to have their specially struck coins donated to appropriate institutions in their states or districts. Proceeds from the Mint surcharges of the three-coin sets ($5 gold, Silver Dollar, and Half Dollar) will go to the U.S. Capitol Preservation Commission, established by Congress to help restore and enhance the historical features of the Capitol Building. The Office for the Bicentennial participated in the overall planning of the event and coordinated congressional participation with Mint officials. Earlier, the Historian was one of those who testified before the House Subcommittee on Consumer Affairs and Coinage on behalf of the bill calling for the minting of the congressional coins. The Office acted in an advisory capacity with the Mint and the official designees in Congress charged with selecting the coin designs.

Gala Fund Raising Dinner for the U.S. Capitol Preservation Commission. (June 20, 1989). The Office for the Bicentennial coordinated this event with Senate planners and the private sector, and worked closely with the writers and musicians who created a special musical tribute to Congress, that was both historically accurate and entertaining, called "Phantoms of the Capitol," which interpreted the history of Congress in song and dance in the style of a Broadway musical.

Additional Activities of the Office for the Bicentennial

During the six years the Office has been in operation, the Historian and his staff have on many occasions performed historical reference services for Members, the press, and the public. The Historian, the Associate Historian, and the Assistant Historian have lectured on the history of the House to groups of constituents at the request of Members. The Office has provided Members with historical materials for speeches related to the bicentennial of the House. They have also spoken to school groups, the Page School, and conducted seminars in House history for the Guide Service. The Office has served as a clearing house

for historical information for the public and the press, advised scholars working on the history of the House, and conducted tours of the Capitol for foreign dignitaries at the request of the House leadership and the Commission on the U.S. House of Representatives Bicentenary.

The Office has been particularly active in promoting better standards for preservation of and access to the records of the House, both its official records and the personal records of Members. The Historian has testified before the Subcommittee on Rules of the House regarding access to committee records of the House. The Assistant Historian, an archival expert, has developed contacts nationally with archivists who specialize in the management of congressional collections. The Historian has given numerous speeches before historical societies, archival groups, and scholars on the need to preserve the documentary heritage of this nation.

The Office has pioneered the development of electronic information on the history of the House. The Biographical Directory of the United States Congress will soon be available to all Members' offices and to researchers with access to the Library of

Congress on-line informational services. While the Biographical Directory is printed as a book once every decade, the new electronic file can be updated on a regular and frequent basis to keep the information current. Ongoing activity of the Office includes the creation of a comprehensive bibliography of books and articles by or about former Members of the House. This work-in-progress currently runs to 1600 pages of printed text.

The Office was instrumental in bringing together historians and political scientists for several informal meetings which resulted in the creation of a project to produce a definitive Encyclopedia of Congress. The project was recently funded by the Commission on the Bicentennial of the U.S. Constitution. Three distinguished editors, one from each of the fields of journalism, history, and political science, are now at work on the encyclopedia. The project should be completed in 1993.

The Office has acted in an advisory capacity on historical projects related to Congress and the federal government with Members, Committees, and executive branch agencies such as the National Archives. The Historian was an editorial adviser for the Committee on Ways and Means bicentennial history and film. The

Associate Historian, on his own time, produced a book for young readers on the history of the House: Bruce A. Ragsdale, The House of Representatives, Chelsea House Publishers, 1989. The Office has also worked closely since its inception with the U.S. Capitol Historical Society. The Historian addressed the Society's annual meeting in 1986, and has frequently acted in an advisory capacity on Society projects and publications including their bibliography of Speakers of the House and most recently the Ways and Means Committee history and preparation of text on the First Congress for the Society's 1989 medal.

The Office also has been a regular consultant and historical adviser to the Commission on the Bicentennial of the U.S. Constitution, under the chairmanship of former Chief Justice Warren E. Burger. The Historian has regularly attended the meetings of the Bicentennial Commission since its inception in 1984. The Historian has, at the request of Congresswoman Boggs, attended regularly the meetings of the National Historical Publications and Records Commission since 1987. Congresswoman Boggs serves as a commissioner on both the Commission on the Bicentennial of the U.S. Constitution and the National Historical Publications and Records Commission.

THE DOCUMENTARY HISTORY OF THE UNITED STATES CONGRESS

A PROPOSAL

Abstract

This project, to be conducted by the House and Senate historical offices, would collect and publish documents explaining the institutional development of the Congress from its origins in 1789 to the present. By surveying the vast and scattered sources of congressional history and presenting key documents in a series of twenty volumes, the project would offer Members, staff and researchers the essential record necessary for understanding the structure and operation of Congress throughout its two-hundred year history.

A knowledge of the institutional development of the House of Representatives and the Senate contributes to the effective operation of Congress and is a prerequisite for any scholarly study of the national legislature. The work of the present-day Congress reflects the often complex and imperfectly-understood evolution of institutional traditions and forms. The ability to retrace that institutional growth makes the legislative process more accessible and more responsive. Historians seeking to determine the origins of legislation or the role of an individual member, political scientists attempting to explain the operation of the modern Congress, and all students of the legislative branch must be aware of the changing institutional structure of Congress over the past 200 years.

Any individual working to reconstruct the history of institutional development confronts a formidable challenge. The records of Congress are scattered among a bewildering array of documentary sources. The official record of floor debates, committee business, and legislative action is so vast as to discourage short-term research. Furthermore, these printed sources convey only part of the story. A comprehensive account of institutional growth would encompass personal correspondence and diaries, manuscript committee records, newspaper accounts, and records from the executive and judicial branches of government as well as printed records.

In order to provide Members, staff and the public with an essential reference source, it is appropriate at the opening of Congress' third century to consider a long-term project to collect and publish the fundamental records of the institutional development of the House of Representatives and the Senate.

A FEDERAL TRADITION OF DOCUMENTARY PUBLICATIONS

The practice of selecting and publishing key government documents is nearly as old as the nation. In 1799 the federal government printed the journals of the Continental Congress. When John Quincy Adams served as secretary of state, he edited the journals of the Constitutional Convention, published in 1819. In 1832 the State Department initiated its Diplomatic Correspondence which continues today as Foreign Relations of the United States. That same year Congress funded American State Papers, a thirty-eight volume collection of early government documents that remains an invaluable source for historical research.

In the twentieth century the federal government has continued to publish documentary series such as The Territorial Papers of the United States and the Public Papers of the Presidents.

SCOPE OF THE DOCUMENTARY HISTORY OF CONGRESS

The search for documents and the published volumes of the Documentary History would focus closely on the institutional development of Congress. In order to explore the full dimension of institutional change and Congress' relation to the broader course of American history, documents would be selected from the widest possible range of sources. The volumes would present documents from the official record of institutional growth interspersed with the personal comments of members, contemporary accounts from newspapers and periodicals, and various manuscript records of members, staff and committees.

During the initial stage of the project, the editorial staff would survey the complete range of documents relating to congressional history and select those records to be included in the search process. The greater part of the search would be accomplished in the Library of Congress, the National Archives and the libraries of the House and Senate. The search would also cover the collection of various members located at repositories across the country. Special attention would be given to collections not only of congressional leaders but also those who were perceptive observers of the legislative process and the structure of Congress.

ORGANIZATION OF THE PROJECT

The Documentary History would be published in twenty volumes divided into three series: the Senate, the House of Representatives and Joint Congressional. The Joint series would

feature volumes on constitutional origins, investigations, oversight functions, appropriations and revenue, impeachment, war powers and bicameral relations. The series for each body would include: election procedures, party organization and leadership, committee organization, rules, and officers and administration as well as a House volume on reapportionment and redistricting and Senate volumes on treaty making and confirmation of nominations.

Each volume would contain approximately 600 pages. Topics would be examined chronologically from the Constitutional Convention and the early congresses to the present day. Documents would be reproduced accurately and with sufficient annotation to explain the historical context and the relevance for the volume. Each volume would include an introductory essay, a thorough subject index and a bibliography for further study of the topic. A comprehensive index would follow the twenty volumes.

STAFFING AND PLAN OF WORK

An editorial advisory board consisting of members and officers of the House and Senate, and distinguished scholars would provide general oversight of the project.

The House and Senate historical offices would conduct the project. The directors of these offices would serve as general editors of the series and would be responsible for the research and editorial process. An associate editor in each office would conduct the day-to-day work of the project. The Library of Congress' Manuscripts Division and the National Archives' Center for Legislative Archives would each designate a full-time professional staff member to assist the project during the search process.

A systematic search for documents in the Library of Congress, the National Archives and major repositories around the country will require five years of work. An initial volume on the constitutional origins of Congress would be published in the third year of the project. Publication of the remaining volumes would begin in the sixth year at the rate of two a year.

SUMMARY

The Documentary History would build on the scholarly foundation established during the bicentennial of Congress. The House and Senate historical offices jointly produced a new edition of the Biographical Directory of the United States Congress, and each office has issued a guide to the research collections of former members from the respective bodies. The National Archives, as part of its bicentennial observance,

recently published guides to the House and Senate records housed at the National Archives. These reference works would be essential resources for the Documentary History project. The initial work of the Documentary History would also benefit from association with the "Encyclopedia of Congress Project" (recently funded through the Commission on the Bicentennial of the Constitution), which will complete a two-volume reference work by 1993.

The completed documentary series would be the first systematic effort to outline the institutional development of Congress over the past 200 years and establish the historical context of changes within the two bodies of the legislative branch of government. A joint project of the House and Senate historical offices, drawing on the expertise of staff at the Library of Congress and the National Archives, would be able to complete a comprehensive research project that no individual could achieve in a lifetime. The volumes would make available for a wide audience the essential records for understanding the workings of Congress today and throughout its history.

ELECTIONS TO THE HOUSE OF REPRESENTATIVES
House Series, Volume One

I. The debate on popular election
   A. Elections practices in the colonial and state legislatures
   B. The Constitutional Convention and ratification

II. The First Federal Elections
   A. District vs. general elections
   B. Campaigning for national office

III. Congressional regulation of House elections
   A. Mandating district elections
   B. Establishment of uniform election dates
   C. Suffrage regulations
      1. The Reconstruction amendments
      2. Women's suffrage
      3. Lowering the voting age

IV. Contested elections and seating controversies
   A. The development of House procedures
   B. Determining vote fraud and Members' qualifications

V. Special Elections

VI. Campaign Financing

REAPPORTIONMENT AND REDISTRICTING
House Series, Volume Two

I. Traditional forms of representation in Great Britain and the colonies
   A. Territorial
   B. Population
   C. Representation in the Continental Congress and the Federal Convention

II. Constitutional order of representation
   A. First apportionment and the Federal Census
   B. Proposed amendments for district size

III. The House's role in reapportionment and redistricting
   A. Expansion of House seats
   B. Methods of apportionment

IV. Court Action on reapportionment
   A. Early appeals to the Supreme Court
   B. Baker vs. Carr and the decisions of the 1960s

V. Congress and the regulation of state districts
   A. Regulating state districting practices
   B. The elimination of at-large seats

COMMITTEE ORGANIZATION IN THE
HOUSE OF REPRESENTATIVES
House Series, Volume Three

I. Historical Sources
   A. Committees in the British Parliament
   B. Reliance on committees in the colonial legislatures
   C. Committees of the Continental Congress

II. Origins of Congressional Committees
   A. Use of select committees
   B. Function of the Committee of the Whole
   C. The first standing committees

III. The Rise of the Standing Committees
   A. Expansion of the committee system, 1800-1840
   B. Reliance on committees for consideration of legislation
   C. Proliferation of committees following the Civil War

IV. The Challenge of Committee Organization
   A. Progressive reform
   B. Legislative Reorganization Act of 1946
   C. The reforms of the 1970s
      1. The growing influence of subcommittees
      2. Procedural changes

V. Committee Chairmen
   A. From Clay to Cannon--The Speakers' domination of committees
   B. The Seniority System
   C. The Modern Chair

VI. Committee Membership
   A. Early assignment procedure
   B. The rule of Ways and Means
   C. Assignments in the wake of the reforms of the 1970s

PARTY ORGANIZATION AND LEADERSHIP
House Series, Volume Four

I. Origins of congressional parties
   A. Fiscal and foreign policy divisions in the 1790s
   B. Organization of the First Party System
   C. The reign of the caucus

II. Parties in the nineteenth-century House
   A. Party organization in an age of sectional conflict
   B. Party divisions and shifting power in the Gilded Age

III. The reinvigoration of congressional parties
   A. Speaker Reed and party loyalty
   B. Party roles in the aftermath of the revolt against Speaker Cannon
      1. The fate of the caucus and conference
   C. Party structure in the modern House

IV. The Speaker of the House
   A. Evolution of the office
      1. Colonial precedents for an active legislator
      2. Henry Clay and the potential for leadership
      3. The "Czars" of the House
   B. The Speaker's authority in the twentieth century
   C. The Speaker as party leader

V. The leadership structure
   A. The advent of party floor leaders
   B. Role of the whips
   C. Caucus chair

RULES
House Series, Volume Five

I. The House establishes its own rules
   A. Gradual accumulation of rules and procedures
   B. Early restrictions on debate
   C. Adoption of Thomas Jefferson's manual in 1837

II. Codifying the House Rules
   A. The Speaker joins the select Committee on Rules, 1858
   B. The Washburn Committee of 1860
   C. The new rules of 1880 and the standing Committee on Rules

III. Rules for an effective and responsive legislature
   A. The Reed Rules of 1890
   B. Revision of the rules following the revolt against Cannon

IV. Rule changes and the Legislative Reorganization Act of 1946

V. The Challenge to the Committee on Rules
   A. Controversy over the 21-day rule
   B. The reforms of the 1970s

VI. The Parliamentarian
   A. Guiding legislation
   B. The importance of precedent

OFFICERS AND ADMINISTRATION
House Series, Volume Six

I. The role of elected officers in the House
   A. The Clerk
   B. The Doorkeeper and Sergeant-at-Arms
   C. Chaplain

II. House of Representatives Staff
   A. The advent of personal staff
   B. The expansion of committee staff

III. Congressional Salaries
   A. Debate in the Constitutional Convention
   B. Decisions of the early Congresses
   C.

IV. Standards of Conduct
   A. Determination of ethical standards
   B. Exclusion cases
   C. Expulsion, censure and reprimand

Mr. MOAKLEY. A very wise Historian. After all the nice things that have been said about you, Doctor, do you get any salary for that job?

Dr. SMOCK. Yes, I do.

Mr. MOAKLEY. I am only kidding.

Dr. SMOCK. I am not sure with the new sequestration order——

Mr. MOAKLEY. Let me just ask the same question I asked Lindy Boggs: Do you feel the House Historian's proper place should be under the Clerk of the House?

Dr. SMOCK. Yes; I think it offers us opportunities. As I said in my statement, our life blood is the records of the House. We know and understand the use of historical materials, and as historians we cannot exist without constant exposure and contact with those records. Under the Rules of the House, the Clerk is the jurisdictional officer in control of records, and so under his administration, I think we would have the best access and the best opportunities to perform in those areas.

Mr. MOAKLEY. Do you see your role as Historian changing at all, being shifted to the Clerk's Office?

Dr. SMOCK. I see with the new Fine Arts Board coming along, and with opportunities to work more closely on records issues that, yes, the focus would shift. A lot of the things that we have done in the past have been designed specifically to meet the demands of the Bicentennial and the Bicentennial schedule, although in the future, I would assume we would continue to work on ceremonies and exhibits and be engaged in special events that have historical dimensions; but we will also be more focused in the area of records and research in those records and the production of documentary histories. These are the best changes that could be made in the Office.

In this sense, there will be a shift in emphasis.

Mr. MOAKLEY. I know because of the present Clerk we have and his interest in the history of the House, you will have a great relationship, but I mean, is the system such that regardless of who the Clerk is, that you feel that relationship would still be the same?

Dr. SMOCK. Well, I can't predict the future. I do know that the Senate experience under any number of Secretaries of the Senate and through changes in control of the majority parties in the Senate, the Office has stayed the same; there has not been a ripple in the professional staff. The Senate history staff has demonstrated that they can function and do their job regardless of the personalities or the parties in control.

Mr. MOAKLEY. Any questions?

Mrs. SLAUGHTER. I would like to make a statement, if I could.

I couldn't let this morning go by without telling you how much the film, "The Congress," has meant to me. Those of us who serve here often don't have any concept that we are living history. One thing I learned from the film was that Presidents come and go, but the continuity of this government and preservation of it reside in this building, and that has meant a great deal to me. I appreciate more than I can tell you the work that you have done, and I think if we could translate some of that even more closely to the public, it would be better for us who serve in Congress.

As a person who never keeps anything, who throws it all away, this hearing has given me a greater sense that something I might scribble sometime might be of some interest in the future, and I will take better care to fulfill my responsibility to safeguard records of historical interest. Again, I thank you for what you are doing.

Dr. SMOCK. Well, I appreciate that comment very much, and I hope you will save your historical materials. That is one of our missions, too. I will be glad to come and talk to you any time about that.

Mr. MOAKLEY. We had a Member from Massachusetts named Jimmy Burke. I think you could call him an anti-historian. He used to say, "Don't write if you can talk, don't talk if you can wink, and don't wink if you can nod;" so you can see the records that he kept.

Dr. SMOCK. Historians never have a complete record. We keep trying. We occasionally think the purpose of all this recordkeeping is to keep historians employed, but we know that historians always deal with imperfect records, and the truth of the matter is the great bulk of the material that is produced in the Congress is of an ephemeral nature. This is true of any recordkeeping procedure.

The key is separating out the 1 or 2 percent that really is important and that has meaning for posterity and from which future generations can learn important lessons. They can't always learn from memos of transmittal, but they can learn from the decision-making process which can be found in those records.

Mr. MOAKLEY. Well, I think the Congress is indeed lucky to have people like you and the people who testified this morning who are so dedicated to keeping the history of the House, because many of us, like Mrs. Slaughter said, aren't that neat with our papers, and we are glad that somebody is and is going to be around to put them in order.

We don't seem to have enough members to vote, so I will close the hearing at this time, thanking publicly all you people who testified. Your testimony has been a great contribution to this subcommittee. Thank you very much.

The subcommittee will now adjourn.

[Whereupon, at 10:47 a.m., the subcommittee was adjourned.]

MARKUP OF HOUSE JOINT RESOLUTION 7

WEDNESDAY, JUNE 27, 1990

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES OF THE HOUSE,
COMMITTEE ON RULES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room H-313, the Capitol, Hon. John Joseph Moakley [chairman of the subcommittee] presiding.

Present: Representatives Moakley, Beilenson, Slaughter, Solomon, and Pashayan.

OPENING STATEMENT OF HON. JOHN JOSEPH MOAKLEY, CHAIRMAN OF THE SUBCOMMITTEE ON RULES OF THE HOUSE

Mr. MOAKLEY. The Subcommittee on Rules of the House will now come to order.

The first order of business is to mark up House Joint Resolution 7, which I introduced last year. This bill repeals obsolete statutory provisions of the Legislative Reorganization Acts of 1946 and 1970 which require the House and Senate to adjourn sine die for each session of Congress no later than July 31 of every year, except in time of war declared by Congress.

Of course, we have other sorts of provisions in other laws, such as the Budget Act, which want to prevent us from adjourning until we pass appropriations bills and a reconciliation bill in the House.

Representing our constituents in Congress is now a full-time job, we are full-time Members, and we can expect to stay in session every year beyond July 31. Congress has not adjourned sine die on or prior to July 31 of any session since July 27, 1956. During the past 20 years, the earliest adjournment date has been October 1, 1976.

The obsolete provision repealed by House Joint Resolution 7 is either waived or ignored each year. There is bipartisan support for simply getting rid of it. The House and Senate will control their schedule each year through adoption of concurrent resolutions allowing both chambers to adjourn for more than 3 days at a time.

The Chair at this time will be in receipt of a motion offered by Mr. Beilenson.

Mr. BEILENSON. Thank you, Mr. Chairman.

I move the Subcommittee on Rules report House Joint Resolution 7 favorably to the full committee.

Mr. MOAKLEY. Any discussion?

Mr. SOLOMON. Mr. Chairman.

Mr. MOAKLEY. Mr. Solomon.

Mr. SOLOMON. I have no objection to marking up the resolution. It certainly is unrealistic to expect an adjournment by July 31, whether that is fortunate or unfortunate.

I think sometimes America would be better off if we did adjourn on July 31 and go home and take care of our constituencies. Nevertheless, present law is unrealistic. Let's move on.

Mr. MOAKLEY. All right.

Mr. PASHAYAN. Mr. Chairman.

Mr. MOAKLEY. Mr. Pashayan.

Mr. PASHAYAN. I just want to say I associate myself with the collective wisdom as expressed independently by yourself and the Ranking Member on this subcommittee.

Mr. MOAKLEY. On the motion of the gentleman from California, all in favor say aye.

Opposed, no.

The ayes have it. The joint resolution is passed.

[Text of H.J. Res. 7 follows:]

IA

101ST CONGRESS
1ST SESSION

H. J. RES. 7

To repeal an obsolete joint rule of Congress (section 132 of the Legislative Reorganization Act of 1946, as amended) relating to sine die adjournment of Congress.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1989

Mr. MOAKLEY introduced the following joint resolution; which was referred to the Committee on Rules

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JOINT RESOLUTION

To repeal an obsolete joint rule of Congress (section 132 of the Legislative Reorganization Act of 1946, as amended) relating to sine die adjournment of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91–510; 84 Stat. 1193), is repealed.

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H.R. 4765—PUERTO RICO SELF-DETERMINATION ACT

THURSDAY, SEPTEMBER 27, 1990

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES OF THE HOUSE,
COMMITTEE ON RULES,
Washington, DC.

The subcommittee met, pursuant to call, at 9:35 a.m., in room H-313, the Capitol, Hon. John Joseph Moakley (chairman of the subcommittee) presiding.

Present: Representatives Moakley, Hall, Slaughter, Solomon, and Pashayan.

Mr. MOAKLEY. The Subcommittee on Rules will come to order.

There has been a request for taking of photographs during today's hearing. Is there any objection?

Mr. SOLOMON. No objection.

Mr. MOAKLEY. The Chair hears none; photographs will be allowed.

The reason there aren't more Members at the meeting at the present time is because there are three members of the committee at the Whip's meeting, but they will be here.

OPENING STATEMENT OF HON. JOHN JOSEPH MOAKLEY, CHAIRMAN OF THE SUBCOMMITTEE ON RULES OF THE HOUSE

Mr. MOAKLEY. This is a hearing and markup of H.R. 4765, the Puerto Rico Self-Determination Act. H.R. 4765 was introduced on May 9, 1990, by the gentleman from the Virgin Islands, the Honorable Ron de Lugo, chairman of the Interior Subcommittee on Insular and International Affairs. I was a cosponsor of the bill along with the ranking minority member of the Rules Committee, the Honorable Jimmy Quillen. The distinguished Resident Commissioner from Puerto Rico, the Honorable Jaime Fuster, was also a cosponsor.

The Committee on Rules received a referral of this legislation jointly with the Committee on Interior and Insular Affairs. The bill was referred to the Subcommittee on Rules of the House on May 21, 1990.

It was agreed informally between the two committees that the Interior Committee would act first. That committee marked up H.R. 4765 on Wednesday, September 19, and reported it to the House with an amendment in the nature of a substitute, by a vote of 37 to 1.

It is my understanding that the process of negotiation and compromise which resulted in a successful markup in the Interior Committee resembled a combination of the Budget Summit and German Reunification. It is not our intention here today to do anything which would interfere with the substantive jurisdiction of the Interior Committee or the agreements which have been carefully crafted on this important piece of legislation.

It would be my hope that the Subcommittee on Rules would forward the bill, along with an amendment in the nature of a substitute identical to the text approved by the Interior Committee, to the full Rules Committee with a favorable recommendation.

The jurisdiction of the Committee on Rules over this bill derives from various procedural provisions affecting the Rules of the House.

Specifically, several sections of H.R. 4765 and the Interior Committee substitute mandate certain actions by Congress and its committees in the consideration of legislation in the 102d Congress, in 1992, to implement the results of the Puerto Rican referendum.

The referendum, authorized by the bill before us today, is expected to occur on September 16, 1991.

H.R. 4765 contains expedited procedures to implement whichever status option—a new commonwealth relationship, statehood or independence—is freely selected by the people of Puerto Rico.

While the Rules Committee is not enamored of expedited procedures or other procedures which function outside the normal Rules of the House, in this case their inclusion will serve to reassure the people of Puerto Rico that Congress will act if Puerto Rico votes by a majority for one of the status options.

The Interior Committee and the Rules Committee consulted on the procedural language which was adopted by the Interior Committee in its substitute amendment.

I would note that it is unlikely that the future implementing legislation following the referendum would actually be called up using this expedited procedure. We would almost certainly use the normal procedures of the House, giving the legislation a rule from the Rules Committee and providing for its orderly scheduling and consideration on the House floor.

But regardless of any technical details about process which might be employed in the future, with passage of H.R. 4765 the people of Puerto Rico have the commitment of the House and Senate to move forward in the next Congress to give their decision in the referendum the force of law.

With that, we will hear from the Honorable Jerry Solomon, who has an opening statement.

OPENING STATEMENT OF HON. GERALD B.H. SOLOMON, RANKING MINORITY MEMBER OF THE SUBCOMMITTEE ON RULES OF THE HOUSE

Mr. SOLOMON. Mr. Chairman, I will be very, very brief. I want to welcome the Members here who will be testifying, particularly Ron de Lugo and Bob Lagomarsino, whom I participated with when I was on the Foreign Affairs Committee. A number of years ago, we were dealing with the status of Micronesia, the Marshall Islands,

and Palau; and this is a similar thing that we are doing here today concerning Puerto Rico. So I want to commend you two, as a matter of fact all of you, for your support of this legislation which is now before us.

Let me just say that I think back to 1985 when I was a delegate to the United Nations, and I will never forget a heated debate I had there at the time. I made the American presentation on the issue of self-determination, and several representatives from other countries were responding to my presentation. An ambassador from the Soviet puppet regime in Afghanistan was particularly incensed at my criticism of the Soviet Union and the lack of self-determination allowed to the Baltic States and other peoples who were under the heel of the Soviet Union at the time.

And this Afghan puppet started ranting and raving about what he called the "colonial subjugation" of Puerto Rico. Needless to say, I set the record straight for him. But I will never forget how ludicrous it was for a representative from the Soviet Union to be professing concern about U.S. relations with Puerto Rico.

That U.S./Puerto Rico relationship has been evolving for a long, long time. And I am sure I speak for every member of this committee on both sides of the aisle when I say that we are asking for just one thing: that the people of Puerto Rico exercise their right of self-determination via the ballot box in a fair referendum. I think that is what we are here for today, and I really do commend all of you for your efforts.

Mr. MOAKLEY. Mr. Pashayan.

Mr. PASHAYAN. I should like to join with the sentiments expressed by both my colleagues, and I look forward to the ideas that our colleagues and others will present today, and we shall see what developments take place.

Thank you, Mr. Chairman.

Mr. MOAKLEY. Thank you.

The first witnesses to be heard by the subcommittee will be the Honorable Ron de Lugo of the Virgin Islands, chairman of the Subcommittee on Insular and International Affairs, and the Honorable Robert Lagomarsino from California, the ranking minority member of the Subcommittee on Insular and International Affairs. Gentlemen.

STATEMENT OF HON. RON de LUGO, A DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS

Mr. DE LUGO. Thank you very much, Mr. Chairman.

I want to thank you for your opening statement. That statement was not a routine opening statement; that was a statement of a chairman who understands the sensitivity of this matter. You said a lot of wise things, Mr. Chairman.

Mr. MOAKLEY. I have been talking to you for a little bit.

Mr. DE LUGO. I am happy to learn that I didn't confuse you; you are still on a straight course.

Let me thank you for responding so quickly to our request for action on this legislation and for having your staff work so closely with our committee in the development of it.

I think one statement you made in particular was very important. It concerns the expedited procedures that are included in the bill, that were worked out with your committee, and that are, in substance, a change in the House rules. As you said, we really are probably not going to use them. This is indicated by the way that this legislation was developed: in a bipartisan manner with consensus.

If Bob Lagomarsino and I hadn't worked together on this, the bill wouldn't be before you today. We have been able to get the competing political parties in Puerto Rico together, which is a miracle of no small magnitude, I assure you. Many people, including just about all the leaders in Puerto Rico, felt that what we have accomplished could not be achieved.

But we were able to get everyone together, and one of the reasons was our approach to this issue is very different from the approach taken by a Senate committee. That approach is embodied in S. 712, which would actually mandate changes in law related to the three political statuses before the referendum among the statuses took place. That bill says: well, this is exactly what is going to be done if you vote for each of the statuses; the Congress would have no opportunity to respond to the people's decision in the referendum. Our bill, of course, would not do that. It would give the people of Puerto Rico a choice among the statuses in a referendum, the opportunity to tell us what status they want.

Then, it provides that the Congress will respond to their needs. In doing so we will develop legislation to implement the selected status in consultation with the political parties.

Mr. Chairman, I have a statement, and it is an excellent statement that has been written for me by my staff, and—I say that, because I have read it, and I didn't make a single change, and I will just put that in the record, and I want to save the committee's time.

Mr. MOAKLEY. Without objection, the entire statement of the gentleman from the Virgin Islands will appear in the record.

[Mr. de Lugo's prepared statement follows:]

PREPARED STATEMENT OF HON. RON DE LUGO, CHAIRMAN OF THE SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS

Mr. Chairman and Distinguished Members, I want to begin by thanking you for your willingness to act so promptly on this legislation and for your cooperation in developing it. As you know, the presidents of Puerto Rico's three political parties last year asked the Federal Government to authorize a political status referendum and commit to act afterwards on implementing legislation. The party in power wants to enhance the current commonwealth. One of the other parties wants statehood; the other independence. For years now, the divisive debate on Puerto Rico's future political status has effectively prevented action on many of the very serious social and economic problems facing our 3.6 million fellow Americans in Puerto Rico. So, I supported the parties' proposal. It was also supported by President Bush, who personally endorsed it in his State of the Union address last year.

A bill that was narrowly approved by the Senate Energy and Natural Resources Committee, however, was far different from what had been proposed. S. 172 would have the Federal Government unilaterally dictate details of the status options before the Puerto Rican people decide on a status and it would then automatically implement the status that won a referendum next year. As the Washington Post recognized, that bill was so skewed that it would be better to enact no bill at all * * * and that would be a tragedy for the United States as well as Puerto Rico.

Speaker Foley, Chairman Udall of the full Interior and Insular Affairs Committee, and other Members expressed serious concerns about S. 712. So later, Mr. Chair-

man, you joined me in introducing a bill that had a real chance of enabling the people of Puerto Rico to exercise self-determination.

The bill had the expressed support of the Speaker and the Minority Leader. Its other sponsors included Ranking Republican Lagomarsino and a bipartisan majority of my subcommittee, including Resident Commissioner Jaime Fuster of Puerto Rico; Chairman Udall and Ranking Republican Your[illegible] our full committee; and Ranking Republican Quillen of your full committee.

H.R. 4765 would authorize a referendum and require development of legislation on a status that wins majority support. It would commit Congress to vote on the legislation in 1992 and then make the effectiveness of that bill contingent upon approval by the people of Puerto Rico in a second referendum.

With a substitute supported by the White House and all three parties in Puerto Rico, our bill was approved by our full committee last week by a vote of 37 to 1. There is one difference between the substitute and the introduced bill that I want to mention. The substitute includes a compromise worked out with Representatives Serrano, Rangel, and Green that would grant Puerto Rico authority to enable Puerto Ricans who live away from the island to vote in the referendum provided that at least two of Puerto Rico's three parties agree.

This compromise was difficult to reach between those who want Congress to mandate that the 2.5 million non-resident Puerto Ricans vote in the referendum and those who totally oppose non-resident voting. Let me expand for just a moment on the provisions of this bill of most interest to this subcommittee: those that relate to consideration of the bill that would implement the status selected in the referendum.

These provisions would require our committee to develop this legislation by March 6, 1992; provide that committees could be discharged from consideration of the legislation if they had not reported it within 181 days; and provide for floor consideration 15 days after being reported or discharged by all committees. These provisions are an essential part of the bill because they would assure the Puerto Rican people that the Congress would respond to their status decision. They have made it possible for Puerto Rico's leaders to support our approach to resolving the status question—as opposed to the automatic implementation approach proposed by the Senate committee bill under which the Congress would act before the people of Puerto Rico had decided on a future status.

The United States took Puerto Rico by force 92 years ago and with it responsibility for a political status problem with which Spain was grappling. Our Nation has been committed to further self-determination for Puerto Rico ever since the current commonwealth relationship was established in 1952. We have not, though, explained how such a decision could be made and put into effect. This history has frustrated those who believed in the commonwealth relationship; convinced other Puerto Ricans that statehood is the answer; and strengthened the nationalistic convictions of still others who want independence.

The Puerto Rican people deserve answers to their questions about how their relationship with the United States can be developed. Providing them is how we can make our Nation's commitment to self-determination meaningful.

H.R. 4765 would provide these answers. It is a bill with a realistic chance of leading to Puerto Rican self-determination. I urge your subcommittee to approve it.

Mr. MOAKLEY. The Honorable Robert Lagomarsino.

STATEMENT OF HON. ROBERT J. LAGOMARSINO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LAGOMARSINO. I would ask that my statement be made a part of the record also.

Mr. MOAKLEY. Without objection.

Mr. LAGOMARSINO. Mr. Chairman, you observed that the negotiations on this were like German Reunification or the Budget Summit. It may be that that is the way it ended up, and the way we hope that the Budget Summit ends up, but I would say that when it started, it was more like the Cambodian Summit negotiations, but here we are, and thanks in no small part to Ron de Lugo and his staff, and with all modesty, my staff. They worked very, very hard. There were times when it appeared that this whole

thing was going nowhere, that we reached impasses that couldn't be overcome.

But even when Ron de Lugo was in the hospital, twice, more seriously ill than he realized perhaps, he kept working on it. And finally at least we are here.

The whole issue here, Mr. Chairman and members, is self-determination. We see countries all over the world exercising self-determination. Last night I attended a dinner for the new President of Bulgaria. Four months ago no one would ever have predicted that this gentleman would be President. The same thing has happened all over the world.

So that is the whole thing here. And even more important is the fact that we are talking about American citizens. Mr. Solomon mentioned Micronesia, and that was very important and we all worked together on that, and I think we accomplished a lot, even though it hasn't been finalized, but they were not American citizens, so this is even more important.

And as the chairman said, the Senate approach is quite different. I think there is some merit to that, we are obviously way, way too late to try that, we will never be able to come to an agreement on all the specific terms and conditions, the three status options.

But if we go the other option, as this one does where we would negotiate with the winning side in a plebiscite, then it is very, very important I think to show in every way that we can that we are serious about this, that there is a provision that Congress will have to exercise that option, will have to deal with it, will have to seriously consider legislation.

I would agree that it would never come to that; I think we will be able to negotiate and come to a satisfactory agreement, at least to present something to the Congress.

So again, I want to thank all of you for expediting this. It is extremely important. I think it may be in retrospect, although no one is paying much attention to it now, it may be one of the most important things this Congress does.

[Mr. Lagomarsino's prepared statement follows:]

PREPARED STATEMENT OF HON. ROBERT J. LAGOMARSINO, RANKING MINORITY MEMBER OF THE SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS

Mr. Chairman: It is an honor to appear before your subcommittee. I want to thank you for your prompt consideration of this very important legislation, H.R. 4765, the Puerto Rico Self-Determination Act. I believe this legislation to be one of the most important pending before Congress. It deals directly with the political and civil rights of 3½ million U.S. citizens. Both the Constitution and the Treaty of Paris by which the United States assumed sovereignty over Puerto Rico specifically charge the Congress with the responsibility over territorial matters. Article 4, Section 3, Clause 2 of the United States Constitution, provides Congress with the exclusive authority and direct responsibility to make all needful rules and regulations respecting the territory and possessions of the United States. Article IX of the 1898 Treaty of Paris states: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Mr. Chairman and members of the subcommittee, H.R. 4765 is a significant measure which will advance the fulfillment of congressional obligations under the Constitution and the Treaty of Paris. The legislation provides a two-stage process for the resolution of the political status of Puerto Rico. The first stage authorizes a referendum in Puerto Rico next year in which the people will vote for either Independence, Statehood or Commonwealth. If a majority of the people vote for one of the options, it will be up to the Congress to draft the terms of that particular status. Section 5 of

H.R. 4765 provides for an expedited procedure for the consideration of the implementing legislation. I believe this mechanism is both necessary and appropriate. We are dealing with the democratic principle of self-determination, so basic to the human rights of man and one directly affecting some of our own citizenry.

The people of Puerto Rico have been U.S. citizens since 1917 and have loyally and valiantly fought alongside all other citizens in every war and engagement since World War I, including the 1986 Libya confrontation and the current Persian Gulf defensive action. I believe we have an obligation to the people of Puerto Rico that goes beyond the Treaty of Paris or the United Nations Charter; it is our obligation to our fellow U.S. citizens to extend the opportunity to fully participate in our democratic system by authorizing a referendum.

We should also provide a commitment on the part of this Congress that once a majority of the people there have expressed their wishes, we will strive to timely develop implementing legislation. After all, the people of Puerto Rico have been waiting patiently since 1898 when the U.S. flag was raised and they were promised the blessings of our democratic society. In 1900 when the first organic act was passed, they prematurely believed the promised blessings had arrived. When they became U.S. citizens in 1917 many thought those blessings had finally arrived. They believed that with citizenship came the full extension of the Constitution. However, in 1922 the Supreme Court ruled that the Constitution had only been extended in part. In the early 1950's, once again many of the people of Puerto Rico thought they had achieved those blessings when they were authorized by the Congress to write their own Constitution, having been recently authorized to elect their own governor. But again, it was only a partial step towards the fulfillment of that initial promise when our troops landed in Puerto Rico during the Spanish-American War.

As the legislation provides, I believe it is essential for Congress to respond promptly to the United States-Puerto Rico relationship desired by a majority of the people. The precise terms of the new relationship will be detailed by the Congress in the enabling legislation and will become effective unless approved in a subsequent vote by the people of Puerto Rico.

As you will recall, in President Bush's first address to a joint session of the Congress on February 9, 1989, he raised the issue of Puerto Rico's future relationship with the United States. Although he expressed his strong personal support for statehood, he asked the Congress to take the steps necessary to let the people of Puerto Rico decide in a referendum. Earlier this year, I asked the President to again clarify his position with regards to Puerto Rico. I would like to submit for the record the President's response of May 9, 1990, in which he enthusiastically endorses legislation providing for Puerto Rico self-determination.

I urge the subcommittee to give prompt and careful consideration of H.R. 4765, which I believe fulfills the President's request and the long-awaited desires of the people of Puerto Rico. Your action in support of this legislation and the mechanisms therein will send a signal to the U.S. citizens of Puerto Rico that the Congress is committed to respond with substance to the people of Puerto Rico when they make their free choice regarding their future relationship with the United States. Thank you.

[President George Bush's response follows:]

THE WHITE HOUSE

WASHINGTON

May 9, 1990

Dear Bob:

Thank you for your letter of March 21.

I strongly believe that this is the year when our nation must move to allow our fellow citizens in Puerto Rico to choose their political fate. We owe it to them as a people and to ourselves as the leader of the Free World. How can we applaud the exciting and momentous movements toward freedom in Eastern Europe, Latin America, and elsewhere while refusing to grant to our own citizens the right of self-determination?

This is why I wholeheartedly support legislation to give the people of Puerto Rico the right to vote on the three principal options for their political future: statehood, continued status as a commonwealth, or independence. I further believe that we should have enough faith in the principles of democracy to let their choice be self-executing under provisions that Congress may prescribe.

My own view on the political future of Puerto Rico is well known: I want it to become the 51st State. The 3.3 million citizens of Puerto Rico deserve to be full members of the American Union, for whose freedoms (and those of other nations) Puerto Ricans have fought so courageously in all of the wars of this century. Before statehood or any other status can come about, however, the people of Puerto Rico must have the right to express their own views on their future. That is why I urge the Congress to act this year to allow a binding plebiscite on the island next year.

I look forward to continuing to work with you on this important issue.

Sincerely,

George Bush

The Honorable Robert J. Lagomarsino
House of Representatives

Mr. MOAKLEY. Ron, in my other life when I was a practicing attorney making some money, I used to spend the month of January in the 1960's in Puerto Rico and I enjoyed it very much. And I know that there have been heated debates over the statehood issue, and it has been discussed for many years. What factors account for the momentum that has finally brought it before the 101st Congress?

Mr. DE LUGO. I think it was an awareness by the present Governor that the status debate in Puerto Rico really began before our invasion of Puerto Rico some 92 years ago, and has been such a debilitating factor that it has prevented government from dealing with many of the critical problems the people of the island face. The governor proposed that the presidents of the three political parties—which advocate independence, statehood, and further developing the current commonwealth—come to the Congress and ask the Congress for a commitment to respond to a popular decision among the statuses. This commitment was essential to their ability to go ahead and have the referendum so that this issue could be resolved once and for all, and the people would know where their island was going in the future.

When he proposed this, no one thought that the Governor could get the presidents of the other two parties to agree because the three had always disagreed on the way to resolve this controversy. Their agreement was a very patriotic act. The three party presidents then came up here, met with Bob, they met with myself, they met with many other Members of the Congress. This bill would respond to their request for the Federal Government to authorize a referendum and commit to acting on a status, if any, that receives majority support.

There is nothing in Puerto Rico that the people are more focused on today than the outcome of this initiative. And this matter is important not only to Puerto Rico, it is important to our country, as well.

Mr. MOAKLEY. What is the position of the administration on this?

Mr. DE LUGO. The administration supports this legislation; the President is in very, very strong support of having a referendum, and we have bipartisan support for it in the House, as you know. This legislation is important to Puerto Rico and the United States but in the eyes of the world as well, particularly in the Caribbean. Puerto Rico is a real success story, but we haven't completed that job. And this legislation will go a long way towards doing so.

When I was commenting on your statement I noted that the provisions to ensure the expedited consideration of the implementing legislation were put in, just as you noted, to demonstrate to the people of Puerto Rico that this nation means business about this matter, that we are making a commitment that the Congress will act once the people have decided what they want.

Mr. MOAKLEY. That is just to insure that there will be action. There will be expedited procedures that will kick in.

Mr. Solomon.

Mr. SOLOMON. I don't have any questions. I just want to commend both of you. You have done a great job and everybody appreciates it.

Mr. MOAKLEY. Mr. Pashayan.

Mr. PASHAYAN. Once again, I want to say that I am very open on this, and I think it is a very significant development. I know both of you have been working very hard on this for a long time. I guess I do have one question of perhaps Mr. de Lugo, because you made mention of it, about our presence in the Caribbean. Could you expand on that a little bit and explain or at least give your opinion what you think statehood would mean to the presence of the United States in the Caribbean?

Just expand on that if you would, please.

Mr. DE LUGO. Well, perhaps Bob as a supporter of statehood would be the proper person to ask that. I have made a point of staying neutral among the statuses on this and this is not a statehood bill. This is a bill for self-determination. This is a bill that says the people of Puerto Rico, you determine whether you want statehood, independence, or commonwealth.

I was making reference to the fact that Puerto Rico plays a very important role for us in the Caribbean, and in fact Central America and Latin America as well. Puerto Rico had a very low standard of living, and widespread poverty in the 1940's. It was a national embarrassment. But the job that has been done since then in improving conditions is an American success story. Now, we have the opportunity to complete it.

In the independent islands, of the Caribbean and elsewhere people are watching what we are doing.

Mr. LAGOMARSINO. I might just respond to your question too and say that I think you can postulate that no matter how this goes, which option is chosen, as long as the United States complies and goes along with that in good faith, it would probably be very good for us.

In fact, I would suggest even if the people choose independence, which I personally don't think they will, but should they do that and we grant them independence, I think that would raise the standing of the United States in the whole area, and I think statehood would, and I think enhanced commonwealth would as well. The important thing is what do we do with their choice, with their option.

It is true that I am a statehood supporter, but more than that, I am a supporter of the right of self-determination. That is exactly where the President of the United States is too. You will remember his State of the Union address, his first one, he made comment about this issue, "I prefer statehood, but whatever the people want, I will go along with."

And the significant thing about that, which nobody except perhaps people inside the Beltway would know, is that he wrote that in, that was not something his speechwriter put in the speech.

Mr. PASHAYAN. Is there any contradistinction here to be made with how we are proceeding compared to how the Soviet Union is proceeding in terms of some of its constituent states have declared independence, we can name a half a dozen of them——

Mr. MOAKLEY. Mr. Pashayan, don't make this more global than we need to be.

Mr. PASHAYAN. Well, have there been any comparisons?

Mr. LAGOMARSINO. I would hope, and I am sure we will respond more quickly and more fully to the wishes of the people than the Soviet Union apparently has so far.

Mr. MOAKLEY. Gentlemen, thank you very much for a very fine presentation.

The subcommittee will be very honored to hear from the Honorable Bill Green of New York.

STATEMENT OF HON. BILL GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. GREEN. Thank you very much, Mr. Chairman. I have a full statement which I have submitted to the committee and I hope you will include it in the record.

Mr. MOAKLEY. Without objection.

Mr. GREEN. You may wonder why I am here. For 7 years I served as HUD Regional Administrator in Federal Region 2, and that region at the time consisted of New Jersey, New York, Puerto Rico, the Virgin Islands, and the Canal Zone, and so I did have 7 years of dealing with the political establishment in Puerto Rico, including many of those who have been involved in the negotiations here over this legislation, such as the distinguished Governor.

I have felt very strongly that the people of Puerto Rico are entitled to decide their fate, and I think everyone in Congress should understand that as we embark on this legislation we are really committing ourselves to abide by the decision that they make.

The bill that we have before us is a compromise. It is a compromise I support, though there are some provisions which I would have liked to have seen a little different. Obviously I have a substantial constituency of Puerto Rican origin in my district, and they would very much like more assurances of their ability to participate in the plebiscite process than the bill contains. That is not an issue before us today.

The second issue, though, is an issue that is before you today, and that is the fact that I would have preferred legislation that was self-executing so the people of Puerto Rico would know that when they had cast their votes and made their decision, that was it. That did not prove to be possible, and I understand the reasons that that is the case.

But the fact that that could not be done in this bill makes very much more important the procedure for expedition in the House that you are considering. Because it is that provision which in essence is the guarantee to the people of Puerto Rico——

Mr. MOAKLEY. That is exactly the reason we put it there. We don't think we will ever use it, but it is there.

Mr. GREEN. It is a guarantee that it will be followed. I think we should all understand that there is going to be a very divisive and emotional campaign in Puerto Rico. These issues have been long debated and hotly debated. And we owe it to the people of Puerto Rico that when they make the decision, we live up to it.

So I think that including these provisions is most important. I commend you for working them out with the Interior Committee, and I just wanted to be here today to say that.

[Mr. Green's prepared statement follows:]

PREPARED STATEMENT OF HON. BILL GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, thank you for the opportunity to testify on H.R. 4765, the Puerto Rico Self-Determination Act. As you may know, I have long advocated legislation to address the issue of self-determination for Puerto Rico, and have been close to the subject of Puerto Rico for most of my career in public service. When I was Housing and Urban Development [HUD] Regional Administrator, Puerto Rico was part of my region, and I worked closely with successive Governors and many of the Mayors. In addition, ever since I was elected to Congress, I have represented a significant number of Puerto Rican-Americans.

I have always believed that the people of Puerto Rico should have the right to self-determination. As the Rules Committee's primary interest in H.R. 4765 concerns the expedited procedures contained in the bill, I should like to explain why I have long preferred self-enactment as the method by which the results of the referendum should be implemented.

There is no principle cherished more by the American people than the right to self-determination. I believe that we in Congress have a responsibility to protect the will of the people of Puerto Rico. It is not our role to determine Puerto Rico's destiny. Our role is to establish guidelines and procedures for a plebiscite and to set up a mechanism that would implement the voters' choice. Once that choice has been made, Congress must be willing to stand by its promise. It would make no sense to put Puerto Rico through the process if at the end we leave ourselves free to repudiate what they decide. Whether the people of Puerto Rico choose statehood, enhanced commonwealth or independence—their choice must be implemented. That is why I believe that self-enactment is the best means of facilitating the process of self-determination for the people of Puerto Rico.

I should be remiss if I did not address one other concern related to this legislation, and that is the issue of non-resident participation. As I represent one of the largest groups of Puerto Rican-Americans, I must express their concerns that they be permitted to participate in the plebiscite process. As you know, like many other Americans, those of Puerto Rican origin are highly mobile. Many who live in New York and elsewhere on the mainland expect—or at least want to keep open the option—to return to Puerto Rico. Many have close relatives in Puerto Rico, or have economic ties of one sort or another to Puerto Rico. The plebiscite legislation and the outcome of the plebiscite could affect them in many ways: a difficult choice as to citizenship, taxation, limitations on immigration, and the like depending on whether they remain on the mainland or return to Puerto Rico.

The Interior Committee, attempting to craft a balance between competing interests, has chosen not to guarantee non-resident participation in H.R. 4765, and has also decided against reporting a bill that is self-executing. While I am not in full agreement with those approaches for the reasons I have just outlined, I must make it clear that at this juncture I do support H.R. 4765. I believe that the larger issue of self-determination for Puerto Rico must be addressed as promptly as possible, and I believe the committee has provided us with a vehicle to move toward that goal.

Mr. MOAKLEY. Thank you.

Mr. Solomon.

Mr. SOLOMON. Bill, we really appreciate your coming through. I know the years that you worked on Puerto Rican issues, and we have some of the same concerns you have. These expedited procedures should, I think, work out, and I think everybody will be happy with it. I appreciate your coming before the committee.

Mr. MOAKLEY. Mr. Pashayan.

Mr. PASHAYAN. I have no questions.

Mr. MOAKLEY. Thank you very much.

The Honorable Jaime Fuster of Puerto Rico.

STATEMENT OF HON. JAIME FUSTER, THE RESIDENT COMMISSIONER IN CONGRESS FROM THE COMMONWEALTH OF PUERTO RICO

Mr. FUSTER. Mr. Chairman, members of the subcommittee, for the record I am the elected Representative of the 3.6 million Amer-

ican citizens that live in Puerto Rico, and I want to begin by thanking you for your expedited consideration of this bill. We just approved it last week in the Interior Committee and it is already before you, and we certainly appreciate that.

We appreciate it particularly because my constituents in Puerto Rico, as Mr. de Lugo said, are looking forward to this plebiscite. All three parties in Puerto Rico, and I would say most of my constituents, have a great interest in seeing this legislation enacted this year, and because of the obvious congressional time limitations, if there is no expedited consideration of this very bill, we run the risk of not having it approved this year, which, as I say, is what my people in Puerto Rico would like to see.

So I appreciate your expedited consideration, and my basic plea with you today is that I hope that you will be able to make your recommendations to the full committee as soon as possible so the full committee will be able to make its decision on this bill and we will be able to move it then to the floor as soon as possible, hopefully next week.

Mr. MOAKLEY. As soon as we get a quorum, we are going to move it to the full committee.

Mr. FUSTER. Well, we surely appreciate that. My people have been waiting for almost 100 years for this legislation. As you know, when the U.S. Armed Forces landed in Puerto Rico in 1896, we had already solved our colonial problem with Spain. It had taken us 100 years of strife and struggle to get there, and it vanished overnight when the Spanish-American War occurred and Puerto Rico became part of the United States. We had to begin our struggle anew, and after almost another hundred years, I think we are almost there, close to finally resolving this question.

So in the context of our 200-year experience, it could seem that a few years more or less would not make any big difference, but my people would like to move on with this if possible in the next year or so. My plea again is that you help us expedite this bill, and it comes from that sense of urgency.

I want to tell you that I, of course, support the bill, otherwise I would be making a different statement here. I support it even though it is a very imperfect bill. It is the result of a lot of compromises with very different, numerous parties, and as is inevitable when you have compromises, the final result is not all that any one party would have liked.

I would have liked a very different bill, particularly because we are talking about self-determination. I mean this is not an ordinary bill. We are talking about the self-determination of a proud people that have been struggling for 200 years. We would have expected a more adequate bill. But this is what we have and this is what we were able to get, and we want to move along with it, even though as I say it is not a very perfect bill, it has a lot of shortcomings, Mr. Chairman.

But that aside, to be realistic, it is what is possible at this time, and we would rather have that than none at all.

That is the end of my remarks. Basically we are supporting this bill; we would appreciate any help we can get from you to get this bill enacted this year. Thank you.

Mr. MOAKLEY. Thank you very much.

Mr. Solomon.

Mr. SOLOMON. Jaime, unlike the chairman, I never had much opportunity to vacation in Puerto Rico——

Mr. FUSTER. Please come visit us.

Mr. SOLOMON. I was stationed there for a long time. It wasn't always that pleasant there, but when we did get a little break we went into San Juan; that was much more pleasant.

But let me just say that was 40 years ago, and what a change that has taken place there now. My gosh, it is a miracle, really. And I do believe that with this legislation the people of Puerto Rico are going to be able to speak. I think that the way they speak will be the final outcome; so I really do think it is up to the people of Puerto Rico, and we wish you a lot of good luck.

Mr. PASHAYAN. I have heard of Rican Rum, but I wonder if there is such a thing as a Puerto Rico cigar.

Mr. FUSTER. Not as famous as it used to be years ago, but we still have a small production of Puerto Rico cigars, and they are very good.

Mr. PASHAYAN. Then I look forward even more so.

Mr. MOAKLEY. Thank you very much.

The Honorable José Serrano of New York.

STATEMENT OF HON. JOSÉ E. SERRANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SERRANO. Thank you very much, Mr. Chairman. Thank you for this opportunity, and especially hello to Representative Solomon, who served with me in the State assembly. At the time he wanted bills out of my committee, and I never figured I would come to a committee where he served.

I was going to start my statement, Mr. Chairman, by telling you that "as the newest Member of Congress," but at 10 a.m. we swore in a new Member, so I am now officially not the newest Member of Congress.

Mr. MOAKLEY. How does it feel to be a veteran?

Mr. SERRANO. We will see.

Mr. Chairman, if I may I would just like to take with your permission the opportunity to inform the Chair that with us today is the former Governor of Puerto Rico. We also have Mr. Jose Berrocal, who represents the Popular Democratic Party, who is in the back, and Mr. Manuel Rodriguez Ofellana, who represents the Independence Party.

Their presence here in fact is part of the reason why we think this legislation is so important, and after 6 months here in this Congress and during a weekend where we have a very serious budget crisis, and we have troops stationed in Saudi Arabia, I think it would require a little more conversation than we have today to explain to you why I feel this is one of the more important bills that have come before us in a long time.

Someone could say he is kidding, there are other issues that are more important. But you see, Mr. Chairman and members of the committee, I have an opportunity that perhaps other people don't have, and that is that I can wear the hat of a person born on the island of Puerto Rico, raised in New York, living in New York,

with children in New York, a Member of the U.S. Congress, but born in Puerto Rico, or I can remove that hat momentarily and wear the hat of a U.S. Congressman, and that is the hat I would like to wear today when I tell you why this bill is so important.

The world is watching us. We interfered, for good or for bad, in Nicaragua; we interfered in Panama, whether we liked that or not; we were very influential in the changes that have taken place in the Soviet Union. After all, we are the ones who tell the world every so often how to behave, and if that wall in Berlin came down, I think that we all pushed it down with our thoughts and our statements.

Well, once we end this difficult time that we are having in the Middle East, I suspect the world attention will then be focused on our behavior in terms of changes that are taking place in the World. And I predict that the issue of Puerto Rico will become a very serious issue of discussion, not only in the United Nations, but at every meeting throughout the World, and the conversations will go very simply like this:

We have made incredible changes and you have told us how to behave. What are you doing with one of your more famous territories in the World? I, at the expense of making some people angry, I would say with your most famous colony in the World. And so as an American Congressman, it becomes very important to me to see that we offer true self-determination, and H.R. 4765 does that.

You know, the Puerto Rican people had various opportunities, but they were not good opportunities to determine their future. In 1952, they were offered by the Congress commonwealth status. But independence and statehood were not an option. The issue was take commonwealth or reject commonwealth and stay with your present territorial situation.

In 1967 a plebiscite took place, but many people felt that the plebiscite as written, the legislation was not fair, and there was much pulling back and even boycotting by two of the three parties, and so it wasn't the kind of thing they were looking for in 1991.

This bill, as Ron de Lugo said, accomplishes something that I thought I would never see, and that is the three parties in Puerto Rico, all three who feel that they know what is best for the island and have the island at heart, coming to the table agreeing that for the most part, the bill speaks to their status and their future thoughts for the island of Puerto Rico.

And so I would hope that this committee would see fit to expedite this process so that we can get a bill on the floor, a bill passed, a bill negotiated and conferenced with the Senate and a bill before your President's desk so that he can sign it.

I don't take public positions on whether Puerto Rico should be a State, independent, or commonwealth, and just for a quick Political Science 101 course I will tell you why. That is on the island 99.9 percent of the people sign up with a political party based on what they think the future of Puerto Rico should be. Once you step outside the island the issue is Puerto Ricans on the mainland and how we grow within the society, how do we grow from one Puerto Rican Congressman, yours truly, to maybe 10 or 100 in the future.

So within those communities there are people who support all three options that are here, but have one thing in common, they

support me. And after 17 years in public life, you know I am not going to take any chance on making any of them angry, but what they all want is the opportunity to have the island participate.

And I call special attention then to a section of this bill which allows the three parties in Puerto Rico, if they wish, to decide whether or not those of us who were born on the island, who now reside outside the island, or the child of a person who, one parent that was born on the island, should participate in this plebiscite.

The agreement that Congressman Green and Mr. de Lugo and Mr. Fuster and I and Congressman Rangel put together with the three parties in bringing this about was done in order to expedite the process, not to let this one issue tear the plebiscite bill apart and keep it from going forward. I assure you that if I was able to tell my constituents, and my constituents go beyond the 18th Congressional District, that I was going to put that issue aside for now or put it in the hands of the three parties in Puerto Rico, so that the bill could move ahead, if I could do that then I am sure that Congress could move the bill ahead as quickly as possible, because that would be less painful than what I had to do.

But I can tell you, Mr. Chairman, that this is a very important time for me to be elected on March 20, to begin to serve in this body on March 28, and on March 29 to find out that I had on my lap along with the other colleagues that were here, this very important issue. It has been very difficult, very stressful, but very exciting, and it has been a great honor that I have been involved in this issue.

I look forward to this bill passing, I look forward to this self-determination procedure taking place next year, and the question that was asked before about how this relates to a lot of what is going on, I guess what we have to think about is that in the future as we continue to press for changes, it would be much easier for us to press for changes in the world if we can point to our desire to have those who are not full citizens within our society determine what they wish to be.

And no one should vote on this bill in fear of what the final outcome should be. The final outcome is that we will allow the people of Puerto Rico to decide. If it decides to go independent, we should honor that, and give it all the support we give people who are independent throughout the World.

If it decides to be a State, we should not question where the Congressman will come from, or how much it will cost, or how much pressure it will put on us, or whether there is another language to deal with it, we should accept them into the family.

And if they wish to remain as an enhanced Commonwealth, then that also should be done.

I think we should meet that challenge by passing this bill as quickly as possible.

Thank you very much.

[Mr. Serrano's prepared statement follows:]

PREPARED STATEMENT OF HON. JOSÉ E. SERRANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, it is my distinct pleasure to be with you today and I applaud you and the subcommittee members for considering the matter at hand so expeditiously.

I come before you today to speak in support of legislation that is important to me both as a Puerto Rican, and as a citizen of the United States of America. The Puerto Rico Self-Determination Act, H.R. 4765, provides to the Puerto Rican people a right that we as Americans cherish dearly and seek to share with peoples around the world—the fundamental right of self-determination.

Ever since Puerto Rico became a part of the United States after the Spanish-American War in 1898, the Puerto Rican people have had a dual identity—they are an island nationality in the Caribbean, and a component of the American Nation. Although we have been in this relationship for 92 years, the fact remains that Puerto Ricans did not choose to become a part of the United States. For better or worse, the incorporation of Puerto Rico into the United States was unilaterally imposed.

Since 1898 the Puerto Rican people have had two opportunities to express their opinion as to what sort of relationship should exist between Puerto Rico and the United States.

In 1952 the people of Puerto Rico were invited either to enter into a Commonwealth relationship with the United States or to retain its then current status. In this instance, the Puerto Rican people "chose" what was offered to them. Independence and statehood were not options.

In 1967, a plebiscite was held in Puerto Rico on three political status alternatives: independence, statehood and a continuation of commonwealth status. Unfortunately, the plebiscite legislation was considered unfair by a substantial percentage of the electorate. After a contentious plebiscite marred by a substantial boycott on the part of proponents of independence and statehood, the Commonwealth option prevailed.

The Puerto Rican people have been waiting patiently these last 23 years for another opportunity to freely, fairly and collectively determine the political status of their island. And if I may say so, Mr. Chairman, there could not be a more appropriate time for this vital democratic exercise in self-determination than right now.

In the past year the entire world has been swept by a surging wave of democratic fervor. Virtually every country in Eastern Europe has seen its unelected government replaced by a popular, democratic one. The constituent republics of the Soviet Union are proclaiming their independence and recognizing each other as independent countries. The wall dividing the Germanys has crumbled and the two countries are on the brink of reunification. Even long-suffering South Africa shows some signs of change.

As the newest Member of Congress and as the only Puerto Rican elected from the 50 States, it is very gratifying to me personally, and to my constituency, to see the great progress that the House of Representatives has made on this issue. To the credit of the Congress, all three options are being presented to the Puerto Rican people on an equal basis. Of notable importance as well is section 3 of the bill, which would allow the three political parties to reach an agreement which, after approval by the Commonwealth legislature, would grant the right to vote to nonresident Puerto Ricans.

It is highly significant that the three political parties of Puerto Rico, each favoring a different status option for the island's political future, have all endorsed the Puerto Rico Self-Determination Act. This tremendous degree of harmony among the rival parties is unprecedented and bodes well for the ultimate success of the legislation.

Section 5, paragraph (d) of the Puerto Rico Self-Determination Act enunciates, and I quote, "a commitment that the United States Congress will vote on legislation establishing appropriate mechanisms and procedures to implement the political status selected by the people of Puerto Rico."

This commitment is good not only for the people of Puerto Rico, but for the credibility of American democracy in this era of stunning democratic progress. As we in the United States strive to encourage and foster these developments around the World, it is essential that we hold true to our principles at home and provide the people of Puerto Rico the opportunity to decide the political status of our island.

Mr. MOAKLEY. Thank you.

Mr. SOLOMON. José, you were as eloquent as you have always been; you are one of the finest Members we have on that other side of the aisle.

You mentioned the Berlin Wall coming down. It came down because of self-determination, American foreign policy, and I think that is what we are talking about here. I will support whatever the

Puerto Rican people choose to do. I don't have any Puerto Rican constituency, but I have some great friends there whom I served with in the U.S. Marine Corps; I still visit with them when they come to Washington every year, and they are wonderful people.

But I don't have a specific position, because I believe in the American foreign policy of self-determination. If they choose to be independent, I will be one of their strongest backers. If they choose to become a State, I will be one of their strongest backers, and so on. We wish you a lot of good luck.

Mr. MOAKLEY. Any questions?

Mr. PASHAYAN. I have no questions. I found your remarks very interesting.

Mr. MOAKLEY. Thank you very much, Congressman Serrano.

We have a vote on. We will recess and come back after the vote, and by that time we should have a quorum, and then it is the intention of the Chair to vote it out of subcommittee into the full committee.

So the Subcommittee on Rules will be in recess subject to the call of the Chair.

[A brief recess was taken.]

MARKUP OF H.R. 4765

Mr. MOAKLEY. The Subcommittee on Rules will come to order. Please be seated.

A quorum of the subcommittee is now present. The Chair will entertain a motion from the gentlelady from New York, Mrs. Slaughter.

Mrs. SLAUGHTER. I move to report H.R. 4765 favorably to the full committee with an amendment in the nature of a substitute, which is before the members. The amendment is identical to the text approved by the Committee on Interior and Insular Affairs.

Mr. MOAKLEY. You have heard the motion. Any discussion?

Any amendment?

If not, on the motion, all those in favor say aye.

Opposed, no.

The ayes have it, the motion is adopted.

Just for the edification of the public, that concludes the subcommittee's consideration. I want to thank all those testifying for the outstanding job they did in portraying the entire spectrum of issues, and thanks to the officials who are in the audience and were so interested making their feelings known to the subcommittee and also to the chairman.

I have been advised by counsel we have to prepare a committee report, so we won't be able to take up the bill today in the full committee, but we will take it up. We will do it as soon as the report is finished, early next week.

The Subcommittee on Rules will now adjourn.

[Whereupon, at 10:25 a.m., the subcommittee was adjourned, subject to the call of the Chair.]

[The text of the amendment adopted by the Subcommittee on Rules is as follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 4765

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puerto Rico Self-Determination Act''.

SEC. 2. REFERENDUM ON STATUS OPTIONS.

(a) There are hereby authorized to be appropriated $13,500,000 to the Executive Office of the President for grants to the State Elections Commission of Puerto Rico for a referendum which is to be held on September 16, 1991, or on a later date in 1991 agreed to by a majority of the members of the Dialogue Committee on the Status of Puerto Rico (hereafter in this Act referred to as the ''Dialogue Committee''), as established by executive order of the Governor of Puerto Rico on June 29, 1989, on the following question:

Which political status do you favor for the Commonwealth of Puerto Rico on terms to be consented to by the people of Puerto Rico and the Congress of the United States?

independence;

statehood;

a new commonwealth relationship; or

none of the above statuses.

(b)(1) Of the amount authorized to be appropriated by subsection (a), the State Elections Commission is authorized to--

(A) expend $7,500,000 for costs of conducting the referendum, including $1,500,000 to facilitate the participation of Puerto Ricans not resident in Puerto Rico in the referendum as authorized pursuant to section 3(c); and

(B) disburse $6,000,000 to the Dialogue Committee to be expended for the purpose of informing the people of Puerto Rico regarding the three status options, such amount to be equally divided among Puerto Rico's principal parties.

(2) Funds appropriated under paragraph (1) shall be made available for the necessary expenses, including the travel and transportation of persons, services as authorized by section 3109 of title 5, United States Code, communications, utilities, printing and reproduction, supplies and materials and other related services, and administrative costs.

(3) To be eligible to receive payments under paragraph (1)(B), a recipient shall--

(A) agree not to incur expenses related to the

referendum in excess of amounts established by the electoral laws of Puerto Rico for expenditures by the parties in general elections as of September 19, 1990;

(B) agree to keep complete records as to receipts and expenditures related to informing the people of Puerto Rico regarding the status question and furnish to the State Elections Commission such information as it may request; and

(C) agree to financial audits and examinations of such funds by the Comptroller General of the United States.

(4) Under such regulations as the Comptroller General of the United States shall prescribe, the Comptroller General shall audit and examine transactions made with funds made available under this subsection.

(c) The referendum shall be conducted pursuant to the laws of Puerto Rico.

(d) Those Federal laws that apply to the election of the Resident Commissioner of Puerto Rico shall, if appropriate, also apply to the referendum. Any reference in such Federal laws to elections shall be considered, where appropriate, to be a reference to the referendum, and any reference in such laws to candidates for office shall be considered, where appropriate, to be a reference to the political status options under the referendum.

SEC. 3. NONRESIDENT PUERTO RICANS.

(a) The Congress finds that--

(1) a substantial number of the Puerto Rican people reside outside of Puerto Rico; and

(2) the Government of Puerto Rico has the authority to enable some Puerto Ricans who are United States citizens residing in places other than Puerto Rico to vote in the referendum.

(b) The Congress hereby authorizes the Government of Puerto Rico, subject to the plan referred to in subsection (c), to enable Puerto Ricans not resident in Puerto Rico to register and vote in the referendum without being present in Puerto Rico. Such persons may include those born in Puerto Rico or those who have at least one parent who was born in Puerto Rico.

(c) The Dialogue Committee is authorized to submit to the Legislative Assembly of Puerto Rico for its ratification a plan agreed to by a majority of the members of such committee to accomplish the purposes authorized by subsection (b). Once so ratified, such plan shall have the force of law.

(d) In the event that any provision of this Act is held invalid, or the Dialogue Committee does not submit a plan, or the Legislative Assembly of Puerto Rico fails to ratify such plan not later than 120 days before the referendum, it is the intent of Congress that the remaining provisions of this Act

shall continue in full force and effect.

SEC. 4. DEVELOPMENT OF LEGISLATION.

(a) If the referendum results in a majority for one of the three status options, Members of the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, in full consultation with representatives of each of Puerto Rico's principal parties, the President of the United States, and other interested persons as may be appropriate, shall draft legislation to implement the selected status addressing the aspects of that status set forth in the report which accompanies the bill, H.R. 4765 (H. Rept. 101--___). In drafting the legislation provided for in this section, the governing principles of each status option shall be treated equally, consistent with the constitutional authority of the United States Congress.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the consultations.

SEC. 5. CONSIDERATION OF LEGISLATION.

(a) Not later than March 6, 1992, the Chairman of the Committee on Energy and Natural Resources shall introduce the legislation provided for in section 4(a) in the United States Senate and the Chairman of the Committee on Interior and Insular Affairs shall introduce such legislation in the

United States House of Representatives.

(b) At any time after the close of the 180th-calendar day beginning after the date of introduction of such legislation, it shall be in order for any Member of the United States House of Representatives or the United States Senate to move to discharge any committee of that House from further consideration of the legislation. A motion to discharge shall be highly privileged, and debate thereon shall be limited to not more than 2 hours, to be divided equally between those supporting and those opposing the motion. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(c) At any time after the close of the 14th legislative day beginning after the last committee has reported or been discharged from further consideration of such legislation, it shall be in order for any Member of the United States House of Representatives or the United States Senate to move to proceed to the immediate consideration of the legislation (such motion not being debatable), and such motion is hereby made of high privilege. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(d) Enactment of this section constitutes a commitment

that the United States Congress will vote on legislation establishing appropriate mechanisms and procedures to implement the political status selected by the people of Puerto Rico.

SEC. 6. RATIFYING VOTE ON LEGISLATION.

(a) If enacted, the legislation drafted pursuant to section 4(a) as approved by the Congress shall be submitted to the people of Puerto Rico for ratification according to the laws of Puerto Rico not later than 60 days after enactment. The legislation shall take effect in accordance with its terms upon approval by the people of Puerto Rico in the ratification vote.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the ratification vote provided for by this section.

SEC. 7. RECOMMENDATIONS, IF NECESSARY.

If the referendum provided for by section 2 does not result in a majority for one of the three status options or if the legislation drafted pursuant to this Act does not come into effect, Members of the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, in full consultation with representatives of each of the principal parties of Puerto Rico, the President of the United States, and other interested persons as may be

appropriate, shall make such recommendations as may be appropriate at that time to facilitate the exercise of self-determination by the people of Puerto Rico.